

MYSORE LEGISLATIVE ASSEMBLY

FORTY-SECOND DAY.

Monday, 27th April 1959.

The House met in the Assembly Hall, Vidhana Soudha, Bangalore, at Twelve of the Clock.

MR. DEPUTY SPEAKER (SRI L. H. THIMMA BOVI, B.A.) in the Chair.

MYSORE VILLAGE PANCHAYATS AND LOCAL BOARDS BILL, 1959.

(As reported by the Joint Select
Committee.)

Consideration of clauses (Contd.)

*SRI T. SUBRAMANYA (Minister for Law, Labour and Local Self-Government).—After a careful study of clause 11 together with clause 34, I feel that no amendment is necessary. Because item (i) of sub-clause (1) of clause 11 says: “If he has been removed from membership of any local authority”. It is a reference to clause 34. Clause 34 refers to the removal of member for misconduct, misbehaviour, etc.; it does not apply to people who will lose their seat because of certain events happening for non-payment of dues, etc. Therefore, we need not accept that amendment. Hon’ble Members will kindly see that removal is only in specific instances. If we read clause 34, it makes it clear under what circumstances a member will have to be removed from office. Therefore, item (i) may remain as it is in clause 11. Clause 11 may remain as it is without any amendment.

MR. DEPUTY SPEAKER.—I shall now put the amendments of Mr. Narasimhan to vote. The question is:

“That in para (b) of the proviso to sub-clause (1), the words ‘or earlier by an order of the Government’ shall be deleted.”

“That in para (c) of the proviso to sub-clause (1), the words ‘or earlier by an order of the Government’ shall be added.”

“That in para (d) of the proviso to sub-clause (1), the following item shall be added, namely:

‘(iv) holding an employment of a casual nature approved by the Taluk Board.’”

“That item (iii) of sub-clause (2) shall be deleted.”

The motion was negatived.

MR. DEPUTY SPEAKER.—The question is:

“That in para (b) of the proviso to sub-clause (1) for the words ‘five years’ the words ‘three years’ shall be substituted.”

The motion was negatived.

MR. DEPUTY SPEAKER.—I shall now put the amendment of Sri Ramappa. The question is:

“That item (c) of sub-clause (1) shall be deleted.”

“That in line 5 of item (j), for the words ‘by rules made under this Act,’ the words ‘by State Legislature’ shall be substituted.”

The motion was negatived.

*Asterisk indicates that the remarks or speeches have not been revised by the member concerned

Mr. DEPUTY SPEAKER.—The question is:

“That clause 11 stand part of the Bill.”

The motion was adopted.

Clause 11 was added to the Bill.

Mr. DEPUTY SPEAKER.—Clause 12. There is an amendment by Mr. B. G. Khot. Before the Hon'ble Member moves his amendment, I want to suggest one thing. There are a number of amendments tabled by Hon'ble Members. The House has decided that to-day would be the last day for the consideration of the amendments. In view of the short time available, I suggest that generally, the Hon'ble Member concerned will move the amendment tabled by him and the Hon'ble Minister will reply. Of course, for some of the important amendments requiring time, consideration will be given.

Sri B. G. KHOT (Sadalga).—Sir, I beg to move:

“In sub-clauses (2) and (3), for the words ‘called upon to elect another person or persons’ the words ‘represented by persons next to him in the said elections’ shall be substituted.”

Mr. DEPUTY SPEAKER.—Amendment moved:

“In sub-clauses (2) and (3), for the words ‘called upon to elect another person or persons,’ the words ‘represented by persons next to him in the said elections’ shall be substituted.”

Sri T. SUBRAMANYA.—I am sorry, I am not able to accept the amendment because, in the case of unopposed returns, there will be no next persons. The law must make provision for all contingencies. Therefore I oppose the amendment.

Sri B. G. KHOT.—I withdraw the amendment.

The amendment was, by leave, withdrawn.

Mr. DEPUTY SPEAKER.—Clause 12. The question is:

“That Clause 12 do stand part of the Bill.”

The motion was adopted.

Clause 12 was added to the Bill.

Mr. DEPUTY SPEAKER.—Clause 13. Sri M. C. NARASIMHAN (Kolar Gold Fields).—I beg to move:

“The second proviso to sub-clause (6) shall be deleted.”

Mr. DEPUTY SPEAKER.—Amendment moved:

“The second proviso to sub-clause (6) shall be deleted.”

Sri M. C. NARASIMHAN.—The second proviso to sub-clause (6) reads thus:

“Provided further that such person, may, at any time be relieved from such disqualification by an order of the Government in that behalf.”

I have sought to delete the above proviso.

Sri T. SUBRAMANYA.—I oppose it. I do not accept the amendment. The Government must have power.

Mr. DEPUTY SPEAKER.—The question is:

“The second proviso to sub-clause (6) shall be deleted.”

The motion was negatived.

Mr. DEPUTY SPEAKER.—The question is:

“Clause 13 do stand part of the Bill.”

The motion was adopted.

Clause 13 was added to the Bill.

Mr. DEPUTY SPEAKER.—Clause 14.

Sri B. G. KHOT.—Sir, I beg to move:

“In the heading and in line 4 the words ‘or appointment’ and the words ‘or made’ in line 5 shall be deleted.”

Mr. DEPUTY SPEAKER.—Amendment moved:

“In the heading and in line 4 the words ‘or appointment’ and the words ‘or made’ in line 5 shall be deleted.”

Sri T. SUBRAMANYA.—The clause is quite correct grammatically. Fresh elections are to be held if a seat becomes vacant. It is grammatically quite correct and I cannot accept the amendment.

Mr. DEPUTY SPEAKER.—The question is:

“In the heading and in line 4 the words ‘or appointment’ and the words ‘or made’ in line 5 shall be deleted.”

The motion was negatived.

Mr. DEPUTY SPEAKER.—The question is:

“Clauses 14 to 18 do stand part of the Bill.”

The motion was adopted.

Clauses 14 to 18 were added to the Bill.

Mr. DEPUTY SPEAKER.—Clause 19.

Sri M. C. NARASIMHAN.—I beg to move:

“After the words ‘no such person as aforesaid’, at the beginning of sub-clause (2), the words, ‘no person holding a civil post with the Government’, shall be added.”

Mr. DEPUTY SPEAKER.—Amendment moved:

“After the words ‘no such person as aforesaid’, at the beginning of sub-clause (2), the words, ‘no person holding a civil post with the Government’, shall be added.”

Sri M. C. NARASIMHAN.—The idea behind this amendment is simply this. Sir, as the section stands, it is only required of a member of a police force or any officer connected with the conducting of the elections that he should not participate in the election or should not do propaganda, etc. But in respect

of any other Government servant, there is no such limitation. I do not see the reason why this limitation or those particular requirements should not be there in respect of other Government servants. No Government servant should bring in any sort of pressure during the election. Of course, that is a general rule which is admittedly understood, but I wanted specifically to be included in this clause by way of a safeguard.

Sri T. SUBRAMANYA.—I cannot accept the amendment because the conduct of every officer is governed by the Government Servants Conduct Rules. Therefore there is no necessity.

Mr. DEPUTY SPEAKER.—The question is:

“After the words ‘no such person as aforesaid’, at the beginning of sub-clause (2), the words, ‘no person holding a civil post with the Government’, shall be added.”

The motion was negatived.

Mr. DEPUTY SPEAKER.—The question is:

“Clauses 19 to 23, both inclusive do stand part of the Bill”.

The motion was adopted.

Clauses 19 to 23 were added to the Bill.

Mr. DEPUTY SPEAKER.—Clause 24.

Sri S. D. KOTHAVALA (Chikodi).—I beg to move:

“In the proviso, for the words ‘for a period not exceeding five years in the aggregate’, the words ‘by a period not exceeding one year in the aggregate’, shall be substituted.”

Mr. DEPUTY SPEAKER.—Amendment moved:

“In the proviso, for the words ‘for a period not exceeding five years in the aggregate’, the words ‘by a period not exceeding one year in the aggregate’, shall be substituted.”

*Sri S. D. KOTHAVALA.—My amendment is meant to clarify the meaning of the proviso. The Hon'ble Minister

(SRI S. D. KOTHAVALE)

for L.S.G. while speaking generally on the subject said, the intention of the Joint Select Committee was to extend the term for one year. But, I am afraid, the wordings employed here give a wrong impression. While in the context or reading the meaning that appears to me is: the present period of the panchayat of 4 years shall be extended by another period of 5 years. The total period in that case will be 9 years. The proviso says "...extend from time to time the said term for a period not exceeding five years in the aggregate." Therefore the effect of this would be, that the Government would be in a position to extend the term of 4 years and another 5 years. The meaning is not quite clear. In order to make that clear, I have added by saying that the term may be extended for a period of 5 years. It makes the whole meaning clear. Therefore I request the Hon'ble Minister for L.S.G. to accept my amendment.

Sri V. SRINIVAS SHETTY (Coondapur).—I was asking the Select Committee—I take the Hon'ble Minister's word on good faith, the intention of the Government is possibly to extend the period of one year. But actually as far as I can understand the English, provided the Government may by notification for reasons to be stated therein, extend from time to time the said term for a period not exceeding 5 years in the aggregate. My first impression after reading the meaning seems to be, "extend for a term of 5 years". It is better, it is made clear.

Sri T. SUBRAMANYA.—As it is, I feel, it is very clear; because the proviso must be read along with the clause. The term of office is 4 years. "...subject to such extensions which do not exceed the term of the office of the Panchayat in the aggregate for more than 5 years." It is very clear. Therefore the intention of the Government has been made very clear also both in the Select Committee and on the floor of the House. Therefore there is no necessity for an amendment of that kind when the meaning also is very clear, the intention of the Hon'ble

Members and the intention of the Government are the same.

Sri M. C. NARASIMHAN.—The proviso shall be deleted, Sir.

Sri T. SUBRAMANYA.—Proviso cannot be deleted, Sir, because I do not accept it.

Sri M. C. NARASIMHAN.—Already under section 8 which we have passed, the Deputy Commissioner is authorised to appoint any other person in the place of even an administrative committee, in place of a Panchayat, in the event the Deputy Commissioner comes to the conclusion that the term of the panchayat should not be extended further. When that is already there, there is no necessity for this proviso. Secondly, this proviso deals with the extension of term of office of the Panchayat. But it is only the Deputy Commissioner that is expected to appoint an administrative committee or an administrator according to section 8 of the Bill. Here what is envisaged is that the Government may extend the term of the Panchayat.

Here what is stated is that the Government may extend the term of the Panchayat. But I do not see any reason why this distinction should be made. Strictly speaking there is no necessity for this proviso.

ಶ್ರೀ ಸಿ. ಜೆ. ಮುಕ್ಕಣ್ಣಪ್ಪ (ಗುಬ್ಬಿ).—ಶ್ರೀ ಕೊತಾ ವರಯವರು ತಂದಿರತಕ್ಕ ತಿದ್ದುಪಡಿಯನ್ನು ಸರ್ಕಾರ ಒಪ್ಪಿ ಕೊಳ್ಳಬೇಕೆಂದು ಕೇಳುತ್ತಿದ್ದೇನೆ.

ಶ್ರೀ ಕೆ. ಎಸ್. ಸೂರ್ಯನಾರಾಯಣರಾವ್ (ಮೈಸೂರು ಸಿಟಿ).—ಅವರು ಒಪ್ಪಿ ಕೊಳ್ಳುವುದಿಲ್ಲ ಎಂಬ ಹೇಳಿಕೆ.

ಶ್ರೀ ಸಿ. ಜೆ. ಮುಕ್ಕಣ್ಣಪ್ಪ.—ಇವರನ್ನು ಡೆಪ್ಯೂಟಿ ಮಿನಿಸ್ಟರಾಗಿ ಯಾವಾಗ ಮಾಡಿದಿರಿ?

Sri K. S. SURYANARAYANA RAO.—I rise to a point of order. Sir, Sri Kothavale moved his amendment and the Minister answered that he is not going to accept it. After that the second amendment of Sri Narasimhan is moved. If at all, we have any right, we can only speak on Sri Narasimhan's amendment and not on Kothavale's amendment.

Sri C. J. MUCKANNAPPA.—There is absolutely no point of order. All the three amendments are taken together.

Mr. DEPUTY SPEAKER.—The Hon'ble Member is entitled to speak on all the three amendments.

*ಶ್ರೀ ಸಿ. ಜಿ. ಮುಕ್ಕಣ್ಣಪ್ಪ.—ಸೆರೆಕ್ಟ್ ಕಮಿಟಿಯವರು 'ಡಾಟ್ ಎಕ್ಸ್ ಪ್ರೆಸ್' ಮಾಡುವಾಗ, ಮಂತ್ರಿಗಳು ಏತಕ್ಕೆ ಒಪ್ಪಿಕೊಳ್ಳಬಾರದು? ಈಗ ಅಧಿಕಾರದಲ್ಲಿರುವವರು ಒಂದು ಕಾನೂನು ಮಾಡಿ ಒಂದು ರೀತಿ interpret ಮಾಡಿದರೆ ಮುಂದೆ ಅವರು ಅಧಿಕಾರದಲ್ಲಿ ಇಲ್ಲದ ಇದ್ದಾಗ, ಪ್ರಾಂಶುಪನ್ ಒಗ್ಗಿದೆ, ಐದುವರ್ಷಕ್ಕೆ ಎಕ್ಸ್ ಪ್ರೆಂಡ್ ಮಾಡುವುದಕ್ಕೆ ಅವಕಾಶವಿದೆ ಎಂದು ಹೇಳಬಹುದು. Then the matter may go before the High Court. ಆದ್ದರಿಂದ ಶ್ರೀ ಕೊತಾವಾಲೆಯವರು ತಂದಿರುವ ಅಮೆಂಡ್ ಮೆಂಟ್ ನ್ನು ಒಪ್ಪಿಕೊಳ್ಳಬೇಕು. ಒಂದು ವರ್ಷ ಎಂದು ಹೇಳಿದರೆ ತಪ್ಪಾಗುವುದಿಲ್ಲ. ಒಂದು ವರ್ಷ ಎಂದು ಸ್ಪಷ್ಟವಾಗಿ ಇದ್ದರೆ ಒಳ್ಳೆಯದು. ಸರ್ಕಾರದವರು ಪ್ರೆಸ್ವೇಜ್ ಮೇಲೆ ಕುಳಿತುಕೊಳ್ಳಬೇಕಾಗಿಲ್ಲ. ರಾಯರು ಮಾಡುವ ತಕರಾರು ದೃಷ್ಟಿಯಿಂದ ಹೇಳುತ್ತಿದ್ದೇನೆ. ನೀವು ಒಂದು ತರಹ ಇಂಟರ್ ಪ್ರೆಟ್ ಮಾಡುತ್ತೀರಿ, ಇನ್ನೊಬ್ಬರು ಇನ್ನೊಂದು ತರಹ ಇಂಟರ್ ಪ್ರೆಟ್ ಮಾಡುತ್ತಾರೆ. ಆದ್ದರಿಂದ 24 ರಲ್ಲಿ ಟರ್ಮ್ ಆಫ್ ಅಫೀಸ್ ನಾಲ್ಕುವರ್ಷ ಎಂದು ಸರ್ಕಾರಕ್ಕೆ ಬೇಕಾದರೆ ಒಂದು ವರ್ಷ ಹೆಚ್ಚಿಗೆ ಮಾಡಬಹುದೆಂದು ಇಟ್ಟುಕೊಳ್ಳಿ. ಇಲ್ಲದಿದ್ದರೆ ಶ್ರೀ ಶ್ರೀನಿವಾಸಶೆಟ್ಟರು ಹೇಳುವಹಾಗೆ ಅವರು ರಾಯರ, ನೀವು ರಾಯರ ಹೀಗಿರುವಾಗ ಕಲನು ಮೇಲೋಗರವಾಗುತ್ತದೆ. ಈ ತಿದ್ದುಪಡಿಯನ್ನು ಒಪ್ಪಿದರೆ ನಮಗೂ ಸರ್ಕಾರಕ್ಕೂ ಮತ್ತು ಮಾಡಿದವರಿಗೂ ಒಳ್ಳೆಯ ಹೆಸರು ಬರುತ್ತದೆ. ಪ್ರೆಸ್ವೇಜಿಗೋಸ್ಕರ ಹಟ ಹಿಡಿಯಬಾರದು ಎಂದು ಹೇಳಿ ಈ ಅಮೆಂಡ್ ಮೆಂಟ್ ನ್ನು ಒಪ್ಪಿಕೊಳ್ಳಬೇಕೆಂದು ಪ್ರಾರ್ಥನೆ ಮಾಡಿಕೊಳ್ಳುತ್ತೇನೆ.

Sri T. SUBRAMANYA.—Sir, it is unnecessary to argue this point any more. The word 'aggregate' makes it very clear. If we want to change in terms of the amendment, we will have to change the whole wording of that proviso. It means the word "aggregate" will have to be removed. The term for a period not exceeding five years in the aggregate makes it very clear that the term of office of the panchayat shall not be more than five years.

Sri S. D. KOTHAVALA.—In view of the explanation given by the Hon'ble Minister that the words here only indicate one year extension, I beg leave of the House to withdraw the amendment.

The amendment was, by leave, withdrawn.

Sri M. C. NARASIMHAN.—I press the amendment.

Mr. DEPUTY SPEAKER.—The question is:

"That the proviso shall be deleted."

The motion was negatived.

Mr. DEPUTY SPEAKER.—The question is:

"That clause 24 stand part of the Bill."

The motion was adopted.

Clause 24 was added to the Bill.

Mr. DEPUTY SPEAKER.—The question is:

"That clauses 25 and 26 stand part of the Bill."

The motion was adopted.

Clauses 25 and 26 were added to the Bill.

Mr. DEPUTY SPEAKER.—Clause 27. Sri M. C. NARASIMHAN.—I beg to move:

"That in line 2 after the words 'as soon as may be, choose' the words 'by secret ballot', shall be added."

Mr. DEPUTY SPEAKER.—Amendment moved:

"That in line 2 after the words 'as soon as may be, choose' the words 'by secret ballot', shall be added."

Sri M. C. NARASIMHAN.—It is very simple. I made it clear by adding the words 'secret ballot'.

Sri T. SUBRAMANYA.—It is very clear. We cannot have any other amendment. This amendment need not be accepted.

Mr. DEPUTY SPEAKER.—The question is:

"That in line 2 after the words 'as soon as may be, choose' the words 'by secret ballot', shall be added."

The motion was negatived.

Mr. DEPUTY SPEAKER.—The question is:

"That clause 27 stand part of the Bill."

The motion was adopted.

Mr. DEPUTY SPEAKER.—Clause 28.

Sri M. C. NARASIMHAN.—I beg to move:

"That for the words 'for the term of a Panchayat' the words 'for a period of two years' shall be

(SRI M. C. NARASIMHAN)

substituted and the following proviso shall be added :—

‘Provided that at least for one term, one person belonging to a scheduled caste shall be elected as Chairman from among the members of the Panchayat belonging to a scheduled caste’.

Mr. DEPUTY SPEAKER.—Amendment moved :

“That for the words ‘for the term of a Panchayat’ the words ‘for a period of two years’ shall be substituted and the following proviso shall be added :—

‘Provided that at least for one term, one person belonging to a scheduled caste shall be elected as Chairman from among the members of the Panchayat belonging to a scheduled caste’.

*Sri M. C. NARASIMHAN.—By this amendment I am trying to incorporate the idea of a scheduled caste member being made the Chairman of the Panchayat at least for one term. If it is full time of four years, then it may not be possible and there may not be opportunities for members from the Scheduled Castes to become Chairman. It is very well known that the idea of communal harmony and the idea of bringing leadership from among the Scheduled Castes can best be done at the level of the Scheduled Castes and by passing this amendment it would be possible. Otherwise, there is no possibility of a member from the Scheduled Caste ever becoming the Chairman of the Panchayat. With these words, I press that the amendment be accepted.

ಶ್ರೀ ಸಿ. ಜೆ. ಮುಕ್ಕಣ್ಣಪ್ಪ.—ಎರಡು ಒಪ್ಪಿಕೊಳ್ಳುವುದಕ್ಕೆ ಸಾಧ್ಯವಿಲ್ಲ. ಮೊದಲು ಭಾಗ ಮಾತ್ರ ಒಪ್ಪಿಕೊಳ್ಳಬಹುದು ಎಂದು ನನ್ನ ಅಭಿಪ್ರಾಯ. ಎಸ್.ಎಸ್.ಎಲ್. ಮೈಸೂರಿನಲ್ಲಿ ಇರತಕ್ಕ ಮುನಿಸಿಪಲ್ ಆಫೀಸರರಲ್ಲಿ ಎರಡು ವರ್ಷಕ್ಕೊಮ್ಮೆ ವೈಸ್-ಪ್ರೆಸಿಡೆಂಟ್ ಮತ್ತು ಪ್ರೆಸಿಡೆಂಟ್ ಚುನಾವಣೆ ಆಗಬೇಕು ಎಂದು ಇದೆ. ನಾಲ್ಕು ವರ್ಷ ಏತಕ್ಕೂ ಇಟ್ಟುಕೊಳ್ಳಬೇಕೋ ಗೊತ್ತಾಗುವುದಿಲ್ಲ. ಪೆಡ್ಲೋರ್ಡ್ ಕ್ಯಾನ್ಸ್ ಒಂದು ವರ್ಷ ಅವಕಾಶ ಕೊಡುತ್ತೇವೆ ಎಂದು ಅಂಥಾ ಒಂದು ಪ್ರಾವಿಜನ್ ಇಲ್ಲಿ ನೀಡುವ ಸೇರಿನಬೇಕಾಗಿಲ್ಲ. ಪ್ರೆಸಿಡೆಂಟ್ ಮತ್ತು ವೈಸ್ ಪ್ರೆಸಿಡೆಂಟ್‌ಗೆ ರಿಜರ್ವೇಷನ್ ಮಾಡುವುದೂ ನನಗೆ ಅವ್ವು ಆಪ್ತಾಯಮಾನವಾಗಿ

ಕಾಣಿಸುವುದಿಲ್ಲ. ಎರಡು ವರ್ಷಕ್ಕೊಮ್ಮೆ ಚೇರ್ಮನ್ ವೈಸ್ ಪ್ರೆಸಿಡೆಂಟ್ ಎರಡ್ಡನ್ ಎನ್ನುವುದು ಎರಸ್ ವೈಸ್ ಮುನಿಸಿಪಾಲಿಟಿ ಕಾನೂನಿನಲ್ಲಿದೆ. ಮೊದಲನೆ ಭಾಗ ಒಪ್ಪಿಕೊಳ್ಳುತ್ತಾರೆಂದು ತಿಳಿದುಕೊಂಡಿದ್ದೇನೆ. ಅದರ ಮೇಲೆ ಹೆಚ್ಚಿಗೆ ಮಾತನಾಡಬೇಕಾಗಿಲ್ಲ. ಇದು ಸಾಧ್ಯವಾಗಿದೆ. ನಿಮಗೂ ನಮಗೂ ತೊಂದರೆ ಯಾಗುವುದಿಲ್ಲ ಒಪ್ಪಿಕೊಳ್ಳಿ.

ಶ್ರೀ ಜಿ. ಸುಬ್ರಹ್ಮಣ್ಯ.—ಎರಡನ್ನೂ ಒಪ್ಪಿಕೊಳ್ಳುವುದಕ್ಕಾಗುವುದಿಲ್ಲ. ಎರಡು ವರ್ಷಕ್ಕೆ ಒಂದು ಸರ್ವೆ ಬದಲಾಯಿಸಬೇಕು ಎನ್ನುವುದನ್ನು ಒಪ್ಪಿಕೊಳ್ಳುವುದಕ್ಕಾಗುವುದಿಲ್ಲ.

Sri M. C. NARASIMHAN.—I press the amendment.

Mr. DEPUTY SPEAKER.—The question is :

“That for the words ‘for the term of a Panchayat’ the words ‘for a period of two years’ shall be substituted and the following proviso shall be added :—

‘Provided that at least for one term, one person belonging to scheduled caste shall be elected as Chairman from among the members of the Panchayat belonging to Scheduled Caste’.

The motion was negatived.

Mr. DEPUTY SPEAKER.—The question is :

“That clause 28 stand part of the Bill.”

The motion was adopted.

Clause 28 was added to the Bill.

Mr. DEPUTY SPEAKER.—The question is :

“That clause 29 stand part of the Bill.”

The motion was adopted.

Mr. DEPUTY SPEAKER.—Clause 30.

Sri M. C. NARASIMHAN.—I beg to move :

“That in sub-clause (1) for the words ‘on its re-constitution on the expiry of the term of the Members’ the words ‘on the expiry of the term of the Chairman and Vice-Chairman’ shall be substituted.

That in line 8 of sub-clause (1), after the words ‘the meeting shall

then proceed to elect', the words 'by secret ballot' shall be added."

Mr. DEPUTY SPEAKER.—Amendment moved :

"That in sub-clause (1) for the words 'on its re-constitution on the expiry of the term of the Members' the words 'on the expiry of the term of the Chairman and Vice-Chairman' shall be substituted.

That in line 8 of sub-clause (1), after the words 'the meeting shall then proceed to elect', the words 'by secret ballot' shall be added'."

Sri M. C. NARASIMHAN.—It is a simple amendment and I do not think it is very difficult for the Hon'ble Minister to accept it.

Sri T. SUBRAMANYA.—I am sorry I cannot accept it.

Mr. DEPUTY SPEAKER.—The question is :

"1. That in sub-clause (1), for the words 'on its reconstitution on the expiry of the term of the members' the words 'on the expiry of the term of the Chairman and Vice-Chairman' shall be substituted.

2. In line 8 of sub-clause (1), after the words 'the meeting shall then proceed to elect', the words 'by secret ballot' shall be added."

The motion was negatived.

Mr. DEPUTY SPEAKER.—The question is :

"That clause 30 stand part of the Bill."

The motion was adopted.

Clause 30 was added to the Bill.

Mr. DEPUTY SPEAKER.—Clause 31. There is an amendment by Sri B. L. Narayanaswamy. The Hon'ble Member is not present. I shall put the clause. The question is :

"That clause 31 stand part of the Bill."

The motion was adopted.

Clause 31 was added to the Bill.

Mr. DEPUTY SPEAKER.—Clause 32. There is an amendment by Sri M. C. Narasimhan.

Sri M. C. NARASIMHAN.—My amendment is as follows :

"1. In sub-clause (2) for the words 'shall be removed from his office by the Deputy Commissioner, the words 'shall vacate the said office and hand over charge to such person as decided by the Panchayat' shall be added.

2. The proviso to sub-clause (2) shall be deleted."

Mr. DEPUTY SPEAKER.—Amendment moved :

"1. In sub-clause (2) for the words 'shall be removed from his office by the Deputy Commissioner, the words 'shall vacate the said office and hand over charge to such person as decided by the Panchayat' shall be added.

2. The proviso to sub-clause (2) shall be deleted."

Mr. DEPUTY SPEAKER.—There is another amendment by Sri K. Kenchappa.

Sri K. KENCHAPPA (Hiriyur).—Sir, I move :

"That in sub-clause (1) for the words 'The Chief Executive Officer of the Taluk Board shall himself convene the meeting', the words 'Such Officer as may be prescribed shall convene the meeting' shall be substituted."

Mr. DEPUTY SPEAKER.—Amendment moved :

"That in sub clause (1), for the words 'the Chief Executive Officer of the Taluk Board shall himself convene the meeting' the words 'Such Officer as may be prescribed shall convene the meeting' shall be substituted."

Sri M. C. NARASIMHAN.—There is unnecessary discretion—I shall not put it as discretion—the procedure prescribed for accepting a motion of no-confidence is not simple. I do not see any reason why sixty days should elapse before the acceptance of the motion. You will kindly see that both in Coorg and Hyderabad Panchayats a motion of no-confidence should be accepted within three days from the proposal. Here I find that the Deputy

(SRI M. C. NARASIMHAN)

Commissioner is empowered to pass an order within sixty days for the removal of the Chairman or Vice-Chairman of the panchayat. Secondly, if sixty days are taken for ratification it will lead to another difficulty. Supposing a panchayat passes a resolution with two-thirds majority that there is no-confidence in the particular Chairman; under clause 38, they need only to pass a resolution with 50 per cent majority, after the expiry of a week after passing the special resolution. In other words they are undoing a resolution which was passed by two-thirds majority, by virtually half the majority. This would lead to an anomalous position. I suggest that there is no necessity firstly to wait for sixty days and secondly that there should be a provision for no-confidence resolution to take effect immediately as has been provided in the Coorg Panchayat Act and in the Hyderabad Panchayat Act.

*Sri K. KENCHAPPA.—The purpose of my amendment is to remove the power given to the Chief Executive Officer of a Taluk Board for the purpose of convening a meeting if the Chairman does not convene a meeting in the scheduled time when a no-confidence motion is given notice of. My reason is this. The Chief Executive Officer happens to be an officer who has got to operate the works of the village panchayat and even the budget or the programme of works prepared by the village panchayat will have to be submitted to the Chief Executive Officer for approval. Such being the case in a place where the National Extension Service Scheme is introduced and when the block operations are undertaken, it is very unusual that the Officer who happens to be the Chief Executive Officer should interfere with the administration of the village panchayat. It so happens that the Chief Executive Officer and the C. D. Block Officer propose one thing and it is opposed by the Village Panchayat; the Chief Executive Officer may see that a no-confidence motion is brought against the Chairman and convene a

meeting himself if the meeting is not convened by the Chairman of the Panchayat. Therefore in order to safeguard the conception of local autonomy and local self-government, it is necessary that my amendment should be accepted.

ಶ್ರೀ ಸಿ. ಜೆ. ಮುಕ್ಕಣ್ಣಪ್ಪ.—ನಾನ್ಮು, ನಾನು ನರಸಿಂಹ ಅವರು ತಂದಿರತಕ್ಕ ತಿದ್ದುಪಡಿಯನ್ನು ಅನುಮೋದನೆ ಮಾಡುತ್ತೇನೆ. ಕಾರಣ ಇಷ್ಟು ನೋ-ಕಾನ್‌ಫಿಡೆನ್ಸ್ ಮೋಷನ್ ತರುವ ಉದ್ದೇಶವೇನು? ಅದು ಪಾಸಾದ ಕೂಡಲೇ ಯಾರಮೇಲೆ ಮೋಷನ್ ತಂದಿರುತ್ತಾರೋ ಅವರು ಹೊರಟು ಹೋಗಬೇಕೆಂಬುದು. ಅದು ಬಿಟ್ಟು ಮೋಷನ್ ಕ್ಯಾರಿ ಆದಮೇಲೆ ಅವರು ಅಧಿಕಾರದಲ್ಲಿದ್ದು ಕಾರ್ಯ ಕಲಾಪಗಳನ್ನು ನಡೆಸುವುದೆಂದರೆ ಏನರ್ಥ? ಚೇರ್ಮನ್‌ನೋ, ವೈಸ್-ಚೇರ್ಮನ್‌ನೋ ಒಟ್‌ಡೌಟ್ ಆದಮೇಲೆ, ಡೆಪ್ಯುಟಿ ಕಮಿಷನರ ರಿಗೆ ಏತಕ್ಕೆ ರಿಪೋರ್ಟ್ ಕಳುಹಿಸಬೇಕು? ಅವರುಗಳು ಸಿಟಿ ವೆಕೆಟ್ ಮಾಡುವುದಕ್ಕೆ 60 ದಿವಸ ಏತಕ್ಕೆ ಕಾಯಬೇಕು? ಇದು ನಣ್ಣು ವಿಚಾರ. ಎನ್‌ಸಿಟಿಯನ್ನು ಒಟ್‌ಡೌಟ್ ಮಾಡುತ್ತಾರೆ. ಮಾಡಿದರೆ, ಪರಿಸ್ಥಿತಿ ಹೀಗಿರುತ್ತದೆಯೇ? ಒಟ್‌ಡೌಟ್ ಆದಮೇಲೆ ನೀವು ವೆಕೆಟ್ ಮಾಡುವುದಕ್ಕೆ 60 ದಿವಸಗಳ ಚೈಮ್ ತೆಗೆದುಕೊಳ್ಳುತ್ತೀರಾ? ಈ ಒಂದು ಕಾನೂನು ಮಾಡುವಾಗ, ಇದರಲ್ಲಿ ಏನೋ ಒಂದು ರಾಜಕೀಯ ಅರ್ಥವಿದೆ. ಎಲ್ಲೆಯಾದರೂ ಒಬ್ಬ ಕಾಂಗ್ರೆಸ್ಸಿಗೆ ಸೇರಿದ ಚೇರ್ಮನ್‌ನೋ, ವೈಸ್-ಚೇರ್ಮನ್‌ನೋ ಇದ್ದು, ಅವರ ಮೇಲೆ ನೋ-ಕಾನ್‌ಫಿಡೆನ್ಸ್ ಮೋಷನ್ ಪಾಸಾಗಿ, ಅವರನ್ನು ತೆಗೆದುಬೇಕಾದ ಸಂದರ್ಭ ಬಂದರೆ, ಡೆಪ್ಯುಟಿ ಕಮಿಷನರ ಮೇಲೆ ಪ್ರಿವೇಲ್ ಆಗಿ 60 ದಿವಸ ಇರಬಹುದು, ಮತ್ತು ಮತ್ತೊಮ್ಮೆ ಸೆಕ್ಷನ್ 30 ರ ಪ್ರಕಾರ ಇನ್ನೊಂದು ರೆಸಲ್ಯೂಷನ್ ತಂದು ಅರ್ಥ ಮೆಜಾರಿಟಿಯಿಂದ ಅದು ಅವರ ಪರ ಪಾಸಾದರೆ, ಅವರು ಉಳಿದುಕೊಳ್ಳುತ್ತಾರೆ. ನೋ-ಕಾನ್‌ಫಿಡೆನ್ಸ್ ಪಾಸ್ ಆದಮೇಲೆ, ತಕ್ಷಣ ಜಾಗ ಬಿಡಬೇಕು. ಹೀಗೆ ಮಾಡದೆ ಇರುವುದರಿಂದ, ಇದರಲ್ಲಿ ರಾಜಕೀಯ ಅಡಕವಾಗಿದೆ. ಪಾರ್ಟಿ ಗವರ್ನಮೆಂಟ್ ಇದ್ದರೂ, ಅಧಿಕಾರಕ್ಕೆ ಬಂದಮೇಲೆ ನೀವು above party ಇರಬೇಕು; ದೇಶದ ಎಲ್ಲಾ ಜನತೆಯನ್ನೂ, ಒಂದೇ ಸಮನಾಗಿ ಕಾಣಬೇಕು; ನಮ್ಮ ದರಿಗೊಂದು, ನಿಮ್ಮ ದರಿಗೊಂದು ಎಂದು ಮಾಡುವಹಾಗಿ ಅವಕಾಶ ಕಲ್ಪಿಸಿಕೊಳ್ಳಬಾರದು. ನೋ-ಕಾನ್‌ಫಿಡೆನ್ಸ್ ಮೋಷನ್ ಪಾಸಾದ ಮೇಲೆ 60 ದಿವಸದ ಚೈಮ್ ರಾಸ್ ಆಗುವುದಕ್ಕೆ ಏಕೆ ಅವಕಾಶ ಕೊಟ್ಟರು, ಅದು ಮಾಡಿ ಫೈ ಆಗುವುದಕ್ಕೆ 38 ರಲ್ಲಿ ಏಕೆ ಮತ್ತೊಂದು ಅವಕಾಶ ಪ್ರೊವೈಡ್ ಮಾಡಿದ್ದೀರಿ? Two-thirds ಯಿಂದ ಪಾಸಾದ ರೆಸಲ್ಯೂಷನ್, one-half ನಿಂದ ಕ್ಯಾನ್ಸಲ್ ಆಗಬಹುದು. ಹೀಗೆ ಲೆಕ್ಕ ಹಾಕಿರುವುದನ್ನು ನೋಡಿದರೆ, ಇದರಲ್ಲಿ ಎಂತಹ ಬುದ್ಧಿವಂತಿಕೆ ಇದೆ ಎನ್ನುವುದು ಅರ್ಥವಾಗುವುದಿಲ್ಲ. ಇಂಥ ಚಾಣಕ್ಯನ ತಂತ್ರವಾದೀ ಈ ಬಿಲ್ಲಿಗೆ ಒಪ್ಪಿಗೆ ತೆಗೆದುಕೊಂಡರೆ, ನಮಗೂ ಗೌರವ ಬರುವುದಿಲ್ಲ, ನಿಮಗೂ ಗೌರವ ಬರುವುದಿಲ್ಲ. ನೋ-ಕಾನ್‌ಫಿಡೆನ್ಸ್ ರೆಸಲ್ಯೂಷನ್ ಪಾಸಾದ ತಕ್ಷಣ, ಅಲ್ಲಿ ಚೇರ್ಮನ್‌ನಿಗೆ ಅಥವಾ ವೈಸ್-ಚೇರ್ಮನ್‌ನಿಗೆ, ನೆಕ್ಸ್ಟ್ ಇಮ್ಯುಡಿಯಟ್ ಅಧಿಕಾರಿಗಳು ಯಾರಿರುತ್ತಾರೋ ಅವರಿಗೆ ಚಾರ್ಜ್ ಕೊಡಬೇಕು. ಇಲ್ಲದೆ

ಹೋದರೆ ಇದರಿಂದ ನಮಗೆ ಅಪಘಾತವಾಗುತ್ತದೆ, ಕೊಟ್ಟಿದ್ದಾಗುತ್ತದೆ. ಈ ಬಿಲ್ಲನ್ನು ದೂರ ದೃಷ್ಟಿ ಇಟ್ಟುಕೊಂಡು ಮಾಡಬೇಕು. ಯಾವ ಪುಣ್ಯಾತ್ಮನ ಕಾಲದಲ್ಲಿ ಈ ಬಿಲ್ಲಾಯಿತೋ, ಇದನ್ನು ಯಾವ ಸದಸ್ಯರು ಮಾಡಿದರೋ ಎಂದು ಕಳಂಕ ಮುಂದೆ ಬರಬಾರದು. ಏತಕ್ಕೆ 60 ದಿವಸದ ಚಿಕ್ಕಮು? ಬೇಕು; ಮೂರು ದಿವಸದೊಳಗೆ, ಡೆಪ್ಯುಟಿ ಕಮಿಷನರು ಓಟ್ ಡೌನ್ ಆದವರ ಕೈಕಳಿಗೆ ಯಾರಿರುತ್ತಾರೋ ಅವರಿಗೆ ಅಧಿಕಾರ ಕೊಟ್ಟುಬಿಡುವಹಾಗೆ ಏರ್ಪಾಡು ಮಾಡಬೇಕು; ಮತ್ತು ಅವರು ಆಫೀಸ್ ವೆಕೇಟ್ ಮಾಡುವ ಹಾಗೆ ಮಾಡಬೇಕು. ನೀವು ಈ ವಿಚಾರದಲ್ಲಿ ಕೂಲಂಕಷವಾಗಿ ಮತ್ತು, ದೀರ್ಘವಾಗಿ ಆಲೋಚನೆ ಮಾಡಬೇಕು. ಇದರಲ್ಲಿ ಏನೋ ರಾಜಕೀಯವಿದೆ. ಶ್ರೀಮಾನ್ ನರಸಿಂಹನರವರು ಸೆಕ್ಷನ್ 32 ಕ್ಕೆ ತಂದಿರುವ ಅಮೆಂಡ್‌ಮೆಂಟ್ ಚಂದಾಗಿದೆ. 32 ನೇ ಸೆಕ್ಷನ್ ಪ್ರಕಾರ two-thirds majority ಯಿಂದ ನೋ-ಕಾನ್‌ಫಿಡೆನ್ಸ್ ರೆಸಲ್ಯೂಷನ್ ಪಾಸ್ ಮಾಡಿ ಬಿಟ್ಟರೆ ಸಾಕು. ಆ ಮೇಲೆ ಚಾರ್ಜ್ ಕೊಡದೆ, 60 ದಿನದ ಚಿಕ್ಕಮಿನಲ್ಲಿ, ಲಂಚವೆತ್ತರೆ ಕೊಟ್ಟು, ಜನ ಕಟ್ಟಿ, ಅವರನ್ನು ಹಿಂದೆ ಹಾಕಿಕೊಂಡು, ಇನ್ನೊಂದು ರೆಸಲ್ಯೂಷನ್ ತಂದು, ಅರ್ಧ ಮೆಜಾರಿಟಿ ಸಂಪಾದಿಸಿಕೊಂಡು, ನೋ-ಕಾನ್‌ಫಿಡೆನ್ಸ್ ಮೋಷನ್‌ನ್ನು ಕ್ಯಾನ್ಸರ್ ಮಾಡಿಸಬಹುದು. ಈಗ ನೀವು ಮಾಡಿರುವುದರಲ್ಲಿ ನೋ-ಕಾನ್‌ಫಿಡೆನ್ಸ್ ಮೋಷನ್ ಕ್ಯಾನ್ಸರ್ ಆಗಲು ಅವಕಾಶವಿದೆ. ಅದು ಇರಕೂಡದು-ಆದ್ದರಿಂದ ಶ್ರೀ ನರಸಿಂಹನರವರು 32 ನೇ ಸೆಕ್ಷನ್ ನಬ್ ಕ್ಯಾನ್ಸ್ (1) ಮತ್ತು ನಬ್ ಕ್ಯಾನ್ಸ್ (2) ಕ್ಕೆ ತಂದಿರುವುದು ಸೂಕ್ತವಾಗಿದೆ.

*ಶ್ರೀ ಎಂ. ರಾಮಪ್ಪ (ಹರಿಹರ).—ಸ್ವಾಮಿ, ಈ ವಿಶ್ವಾಸದ ಬಗ್ಗೆ ಮುನಿಸಿಪಲ್ ಆಫೀಸ್‌ನಿಂದ ಹಾಗೆ ಸಿಂಪಲ್ ಮೆಜಾರಿಟಿ ಎಂದು ಇದ್ದರೆ ಸಾಕು. ಇದರಲ್ಲಿ ಸಿಂಪಲ್ ಮೆಜಾರಿಟಿಯಿಂದ ರೆಸಲ್ಯೂಷನ್ ಪಾಸಾದರೆ ಸಾಕು ಎನ್ನುವ ಶಕ್ತಿವಿಲ್ಲ. ನಿಜವಾದ ಪ್ರಜಾಪ್ರಭುತ್ವದ ತತ್ವಕ್ಕೆ ಅನುಗುಣವಾಗಿ ಸಿಂಪಲ್ ಮೆಜಾರಿಟಿ ಇದ್ದರೆ ಸಾಕು ಎಂದು ಈ ಮೋಷನ್ ಅಫ್ ನೋ-ಕಾನ್‌ಫಿಡೆನ್ಸ್ ಸೆಕ್ಷನ್ನಿನಲ್ಲಿ ಹೇಳಿದ್ದರೆ ಚೆನ್ನಾಗಿತ್ತು.

ಸೆಫ್ಟಿಗಾರ್ಡ್ ದೃಷ್ಟಿಯಿಂದ 2/3 ಭಾಗ ಮೆಜಾರಿಟಿಬೇಕು ಎಂದು ಕಡ್ಡಾಯವಾಗಿ ಮಾಡಿದ್ದಾರೆ. ಈ ವಿಶ್ವಾಸನಿರ್ಣಯ ಒಂದು ಗೊಂದಲಕ್ಕೆ ಅವಕಾಶವಾಗದೆ ಇರಲಿ ಎಂದು ಆ ರೀತಿ ಮಾಡಿದ್ದಾರೆ. ಅದನ್ನು ಬಹಳ ಜನ ಒಪ್ಪಿಕೊಂಡಿದ್ದಾರೆ. 3 ಭಾಗ ಮೆಜಾರಿಟಿ ಯಾವಾಗ ಮಾಡುತ್ತಾರೋ ಅದಕ್ಕೆ ಕೂಡಲೆ ಎಫೆಕ್ಟ್‌ಕೊಡಬೇಕಾಗಿದೆ. ಸಿಂಪಲ್ ಮೆಜಾರಿಟಿ ಆಗಿದ್ದರೆ ಅದಕ್ಕೆ ಡೆಪ್ಯುಟಿ ಕಮಿಷನರ್ ಅಪ್ರೊವರ್ ಪಡೆಯಬೇಕೆಂದು ಹೇಳಬಹುದಾಗಿತ್ತು. 3 ಭಾಗವಷ್ಟು ಮೆಜಾರಿಟಿ ಜನರ ವಿಶ್ವಾಸವನ್ನು ಕಳೆದುಕೊಂಡಿರುವುದರಿಂದ ಜಿಲ್ಲಾಧಿಕಾರಿಗಳ ಅಪ್ರೊವರ್ ಅವಕಾಶಕೂಡಬಾರದೆಂದು ಹೇಳಿದ್ದಾರೆ. ಅದು ಸಾಧುವಾದುದಲ್ಲವೆಂದು ನಾನು ಹೇಳುತ್ತೇನೆ. ಇದನ್ನು ಕೇವಲ ಒಂದು ಪಕ್ಷದ ದೃಷ್ಟಿಯಿಂದ ನಾನು ಹೇಳಲಿಲ್ಲ ಎಂಬುದನ್ನು ತಾವು ತಿಳಿದುಕೊಂಡು ಇದನ್ನು ಒಪ್ಪಿಕೊಳ್ಳಬೇಕೆಂದು ತಮಗೆ ಹೇಳುತ್ತೇನೆ.

ಶ್ರೀ ಜಿ. ಬಿ. ಮುಕ್ತಾರಾಘ್.—ಮಾನ್ಯ ಸದಸ್ಯರು ತಂದಿರುವ ತಿದ್ದುಪಡಿಯನ್ನು ನಾನೂ ಸಹ ಪುಷ್ಟಿ ಕರಿಸಬೇಕೆಂದು ನಿಂತಿದ್ದೇನೆ. ಪ್ರಾವಿಷನ್ನಿನಲ್ಲಿ

“provided that the Chairman or Vice-Chairman shall vacate office on the expiry of sixty days from the day of the passing of the motion if no order of such removal is passed within the said period” ಎಂದು ಹೇಳಿದ್ದಾರೆ.

ಶ್ರೀ ಎಂ. ರಾಮಪ್ಪ.—ಈಗ ವಿಲೇಜ್ ಪಂಚಾಯಿತಿಯವರಲ್ಲಿ 2/3 ಭಾಗದ ಜನ ಒಬ್ಬ ಮುನ್ಸಿಪ್ ನನ್ನು ತೆಗೆಯಬೇಕೆಂದು ನಿರ್ಧಾರಕ್ಕೆ ಬಂದ ಮೇಲೆ ಇನ್ನು ಪ್ರತ್ಯೇಕ ಆರ್ಟರ್ ಏತಕ್ಕೆಬೇಕು, ನನಗೆ ಅರ್ಥವಾಗುವುದಿಲ್ಲ. ಈಗಿನ ಪಂಚಾಯಿತಿಯವರಿಗೆ ಪೂರ್ಣ ಅಧಿಕಾರಕೊಡುತ್ತೇವೆಂದು ಹೇಳುವಾಗ ಪುನಃ ಹೋಗಿ ಅದಕ್ಕೆ ಡೆಪ್ಯುಟಿ ಕಮಿಷನರ್ ಆರ್ಟರ್ ಮಾಡಬೇಕು ಎಂದು ಕೇಳುವುದು ಸರಿಯಲ್ಲ. ವಿಲೇಜ್ ಪಂಚಾಯಿತಿಯವರಲ್ಲಿ 2/3 ಭಾಗ ಜನ ನಮಗೆ ಬೇಕಿಲ್ಲ ಅವರಲ್ಲಿ ವಿಶ್ವಾಸವಿಲ್ಲವೆಂದು ಹೇಳಿದ ಮೇಲೆ ಪ್ರತ್ಯೇಕವಾಗಿ ಮತ್ತೊಮ್ಮೆ ಡೆಪ್ಯುಟಿ ಕಮಿಷನರ ಆರ್ಟರ್ ಏತಕ್ಕೆ ಬೇಕು? ಡೆಪ್ಯುಟಿ ಕಮಿಷನರಿಂದ ಬರುವ ಆರ್ಟರ್ ನಾಮಾನ್ಯವಾಗಿ ನಿರ್ಧಾರವಾಗುತ್ತದೆ. ಅಷ್ಟರಲ್ಲಿ ಆರ್ಟರ್‌ಪಾಸ್ ಆಗಿದ್ದರೆ ಅವರನ್ನು ತೆಗೆಯಬೇಕೆಂದು ಅರ್ಥವಿದೆ. ಪ್ರಾವಿಷೊ ಅನರ್ಥ ಎಂದು ಹೇಳುತ್ತಾರೆ. ಪ್ರಾವಿಷನ್ನಿನಲ್ಲಿ ಈ ರೀತಿ ಹೇಳಿದೆಯಲ್ಲ ಎಂದು ಕೇಳಬೇಕಾದುದು ಅಗತ್ಯವಿಲ್ಲ. ಒಂದು ವಿಧವಾಗಿ ನೋಡುವುದಾದರೆ ಇಂಥಾದನ್ನು ವಿಲೇಜ್ ಪಂಚಾಯಿತಿ ಕೊಡುತ್ತಾರೆಂದೂ ಇನ್ನೊಂದು ವಿಧದಲ್ಲಿ ಅಧಿಕಾರವನ್ನು ಕಿತ್ತಾಕೊಳ್ಳುತ್ತಾರೆಂದೂ ಹೇಳಿದರು. ದಯಾಪ್ರಿಯರಿಂದರಾದರೂ ಸಹ ಇದನ್ನು ಓದಬೇಕಾದುದು ಎಂದು ಹೇಳುತ್ತಾರೆ. ನಾನು ಹೇಳುವುದು ಏನೆಂದರೆ, ಡೆಪ್ಯುಟಿ ಕಮಿಷನರಿಗೆ ಅಧಿಕಾರದ ಮೇಲೆ ಆರ್ಟರ್‌ಮಾಡುವುದಷ್ಟೆ. ನಿರ್ಣಯ ಪಾಸಾಗಿದೆಯೇ, ಕ್ರಮವಾಗಿ ವಿಲೇಜ್ ಎಂದು ನೋಡುವುದಕ್ಕೆ ಅವರಿಗೆ ಅಧಿಕಾರವಿಲ್ಲ. ಏನು ಕಾರಣದಿಂದ ಈ ಅಧಿಕಾರವನ್ನು ಆರ್ಟರ್‌ಗೆ ಕೊಡುತ್ತೀರಿ? ಪ್ರಾವಿಷೊ ಪ್ರಕಾರ ನಿವೃತ್ತ ಕೇಳುವುದು ಸರಿಯಾಗಿಲ್ಲವೆಂದು ನಾನು ಹೇಳುತ್ತೇನೆ.

*ಶ್ರೀ ಬಿ. ಚಾಮಯ್ಯ (ಪಾಂಡವಪುರ).—ಆ ಬಗ್ಗೆ ಪುನಃ ಡೆಪ್ಯುಟಿ ಕಮಿಷನರ್ ಅಭಿಪ್ರಾಯ ಕೇಳುವ ಅವಶ್ಯಕತೆ ಏನು? ಅವರ ಆರ್ಟರನ್ನು ನಿರೀಕ್ಷಣೆಮಾಡುವುದು ಅದು ಪ್ರಜಾಪ್ರಭುತ್ವಕ್ಕೆ ಸರಿಯಾದುದಲ್ಲ. ವಿಲೇಜ್ ಪಂಚಾಯಿತಿಯವರಲ್ಲಿ ಯಾವಾಗ 3/2 ಭಾಗದಷ್ಟು ಒಪ್ಪಿಕೊಂಡಮೇಲೆ ಕೂಡಲೆ ಅವರಿಗೆ ಚಾರ್ಜ್‌ಕೊಡಬೇಕು. ಈಗಿನ ತಿದ್ದುಪಡಿಯನ್ನು ತಾವು ಒಪ್ಪಿಕೊಳ್ಳಬೇಕು.

SRI C. M. ARUMUGHAM (Kolar Gold Fields).—Sir, I could not get an opportunity to speak on the bill during the general discussion. Anyway, I am happy to state that the bill is generally progressive and democratic, excepting in one or two places, which need amendment. I would in particular support this amendment and I hope the Hon'ble Minister would accept it.

The main intention behind the bill is to create democratic institutions in the rural areas and we should do nothing

(SRI C. M. ARUMUGHAM)

which would hinder the democratic forces. I would like to submit that when a panchayat has passed a no-confidence motion against the Chairman or Vice-Chairman, then the Deputy Commissioner has no business either to accept or reject it. The will of the Members should prevail. Of course the Deputy Commissioner should get information promptly and one or two weeks may be allowed for him to make arrangements for a fresh election of Chairman or the Vice-Chairman as the case may be. But if as much as two months are allowed, there is much room for mischief. The proviso provided in the bill runs counter to the democratic spirit and I appeal to the Minister to accept the amendment deleting it.

Sri T. SUBRAMANYA.—I am not prepared to accept the amendment of Sri Kenchappa. It is very clear that if the Chairman or the Vice-Chairman, whoever he be, does not call for a meeting within the prescribed period, it shall be the duty of the Chief Executive Officer to call for a meeting and take for decision the no-confidence motion sent by the Members. Somebody will have to be authorised either by Government or somebody else in order to convene a meeting. Therefore we have specifically stated that the Chief Executive Officer of every Board shall convene a meeting.

With regard to Sri Narasimhan's amendment, it looks, on a superficial reading, as though it is reasonable, but I want Hon'ble Members to go deep into the matter. Sri Arumugham pointed out that one or two weeks may be required for arrangements to be made before he vacates office. Even in the Municipal Act when a person resigns, it is only ten days after the receipt of the resignation by the Deputy Commissioner that fresh arrangements will be made for the election of a new President. Here we have said that if he does not vacate office, the Deputy Commissioner shall not pass orders for the removal of the Chairman or Vice-Chairman within sixty days. He should vacate office immediately afterwards. The Deputy

Commissioner has no discretion to use in this matter. Whenever a no-confidence motion is passed and sent for his information, he shall pass an order of removal from office of that Chairman or Vice-Chairman as the case may be. Suppose he withholds passing the order for 60 days, then we say that he shall vacate office on the expiry of that period. In all institutions we need some time for the man to go out of office and for fresh arrangements to be made. There is such a provision in the Municipal Act also.

Sri M. C. NARASIMHAN.—There is no such provision in the Coorg and the Hyderabad Acts. The provision there is that he shall vacate office within 3 days of the passing of the no-confidence resolution.

Sri T. SUBRAMANYA.—I admit that, but here we have said that if the Deputy Commissioner does not pass orders removing him from office within 60 days, he shall automatically vacate office on the expiry of that period, but it does not mean that the Deputy Commissioner shall delay passing orders for 60 days; he may pass orders earlier also.

Sri J. B. MALLARADHYA.—What is there for the Deputy Commissioner to pass orders?

Sri T. SUBRAMANYA.—He has to pass the order of removal. The only thing is that we have given him 60 days within which to pass the order. In view of this I am unable to accept the amendment.

ಶ್ರೀ ಜೆ. ಬಿ. ಮಲ್ಲಾರಾಧ್ಯಾ.—ಒಳಗೊಳಗೇ ಏನಾದರೂ ಆ ಧಾವತ್ತು ಇದ್ದರೆ ಆದನ್ನು ಅವರು ಸರಿ ಮಾಡಿಕೊಂಡು ಹೋಗಲಿ ಎಂಬ ಉದ್ದೇಶಕ್ಕಾಗಿ 60 ದಿನಗಳ ಕಾಲಾವಕಾಶವನ್ನು ಕೊಡಬೇಕೆಂದು ಮಾಡಿದ್ದೀರಾ?

Sri T. SUBRAMANYA.—Your argument supports the retention for this clause. It is quite possible that within 3 or 4 days subsequent to the passing of the original resolution the members can be won over and another resolution may be passed re-electing the same man at the next election. In order to provide for such a contingency time has been given. So from all aspects of the case I feel that the clause must remain there as it is, and I am unable to accept the amendments.

Mr. DEPUTY SPEAKER.—The question is :

“In clause 32, in sub-clause (1) for the words “The Chief Executive Officer of the Taluk Board shall himself convene the meeting” the words “Such Officer as may be prescribed shall convene the meeting” shall be substituted.”

The motion was negatived

Mr. DEPUTY SPEAKER.—The question is :

“In clause 32, (1) in sub-clause (2) for the words ‘shall be removed from his office by the Deputy Commissioner,’ the words ‘shall vacate the said office and hand over charge to such person as decided by the panchayat’ shall be substituted.

(2) the proviso to sub-clause (2) shall be deleted.”

The motion was negatived.

Mr. DEPUTY SPEAKER.—The question is :

“That Clause 32 stand part of the Bill.”

The motion was adopted.

Clause 32 was added to the Bill.

Mr. DEPUTY SPEAKER.—The question is :

“That Clause 33 stand part of the Bill.”

The motion was adopted.

Clause 33 was added to the Bill.

Mr. DEPUTY SPEAKER.—Clause 34. The first amendment stands in the name of Sri Narayanaswamy. He is not present. The next amendment stands in the name of Sri Kenchappa.

Sri K. KENCHAPPA.—Sir, I beg to move :

“In clause 34, sub-clauses (1) and (2) shall be deleted and the subsequent sub-clauses shall be renumbered.”

Mr. DEPUTY SPEAKER.—Amendment moved :

“In clause 34, sub-clauses (1) and (2) shall be deleted and the

subsequent sub-clauses shall be renumbered.”

*Sri K. KENCHAPPA.—Sir, in order to explain the clause fully I have to read the clause to the House.

“(1) The Deputy Commissioner may, after giving due notice to the person concerned and after such enquiry as he thinks fit, remove from office any member of the Panchayat, or any Chairman or Vice-Chairman who has been guilty of misconduct, or neglect or incapacity to perform his duty or is persistently remiss in the discharge of his duties....”

According to this clause if a member commits what is called ‘misconduct’ which is not defined anywhere, then it gives power to the Deputy Commissioner to remove such member, Chairman or Vice Chairman from office for misconduct. The other grounds for removal are “neglect or incapacity to perform his duty...” What kind of duty is there for the member except to attend the meeting? If a member does not attend the meetings for some days, it may be styled by the Deputy Commissioner as neglect of duty and he may be removed from his office. Why should there be such a power to remove the Chairman and Vice-Chairman from office for misconduct? If he has misappropriated any amount, there is section 409 of the I.P.C. according to which he may be tried. There is also the audit of the accounts of the department and he can be brought under some provision under that for such misappropriation. But it is quite unnecessary to give such powers of removal to the Deputy Commissioner on the ground of misconduct, neglect of or incapacity to perform the duty. He may exercise the power even if the occasion does not call for it. This is against the conception of local self-government and autonomy. So I have moved this amendment. If sub-clause (1) is deleted, then sub-clause (2) has no place and that also has to be deleted.

ಶ್ರೀ ಸಿ. ಜಿ. ಮುಕ್ಕಣ್ಣಪ್ಪ (ಗುಬ್ಬಿ).—ಸ್ವಾಮಿ ತಾವು ಈ ಅಧಿಕಾರವನ್ನು ಹೆಚ್ಚು ಟಿಕ್ಕಮಿಷನರಿಗೆ

(ಶ್ರೀ ಸಿ. ಜೆ. ಮುಕ್ಕಣ್ಣಪ್ಪ)

ಕೊಟ್ಟಿದ್ದರೂ ಕೂಡ ಸರ್ಕಾರದವರೇ ಇಟ್ಟುಕೊಂಡ ಹಾಗೆ ಆಗಿದೆ. ಅದುದರಿಂದ ಸರ್ಕಾರದವರೇ ಈ ಅಧಿಕಾರವನ್ನು ನಾವೇ ಇಟ್ಟುಕೊಳ್ಳುತ್ತೇವೆಂದು ಹೇಳಬಹುದಾಗಿತ್ತು. ಅಂಥ ಅವಕಾಶಗಳೆಲ್ಲಾ ತಮಗಿರುವಾಗ ತಾವೇಕೆ ಈ ಮನೂ ಯು.ಗೆ ಇಚ್ಛಿಸಿ ಅದ್ವಿತಮಾಡಿ ಇದಕ್ಕೊಂದು ಕಾನೂನುತಯಾರಿಸಿ, ಒಂದು ಸೆರೆಕ್ಸ್ ಸಮಿತಿಯನ್ನು ರಚಿಸಬೇಡಿ ಅನಂತರ ಈ ಜಂಟಿ ಸೆರೆಕ್ಸ್ ಸಮಿತಿಯವರ ವರದಿಯನ್ನು ಈ ಸಭೆಯ ಮುಂದೆ ಚರ್ಚಿಸಿ ಇಷ್ಟೇ ಸ್ವಲ್ಪ ಏಕಮಾಡುತ್ತಿದ್ದೀರಿ? ಈ ಅಧಿಕಾರವನ್ನೆಲ್ಲಾ ಸರ್ಕಾರದವರೇ ಇಟ್ಟುಕೊಳ್ಳಲು ಉದ್ದೇಶಪಟ್ಟಿದ್ದಾರೆಂದು ಒಂದು ಅರ್ಥವನ್ನು ಹೊರಡಿಸಿಬಿಟ್ಟಿದ್ದರಾಗಿತ್ತು! ಈ ದಿವಸ ಆ ಡೆಪ್ಯೂಟಿ ಕಮಿಷನರಿಗೆ ಈ ಕಲಂ ಮೂಲಕ ಸಂಪೂರ್ಣಾಧಿಕಾರ ಕೊಡುತ್ತಿದ್ದೀರಿ. ತಾವು ಇಲ್ಲಿ ಈ ರೀತಿ ಹೇಳಿದ್ದೀರಲ್ಲಾ ಇದರ ಅರ್ಥವೇನು? ಆ ರೀತಿ ಒಂದು ರಿಪೋರ್ಟನ್ನು ಕೊಡತಕ್ಕವರು ಯಾರು? ಒಂದು ಪಂಚಾಯತಿಯವರು ಇಂಥಾ ಯಾವುದಾದರೂ ಒಂದು ವಿಚಾರದಲ್ಲಿ ಪಾಸ್ ಮಾಡತಕ್ಕ ರೆಸಲ್ಯೂಷನ್ ಏನಿರುತ್ತದೆ ಅದನ್ನು ಮಾನ್ಯತೆ ಮಾಡಬೇಕೆಂದು ಹೇಳಿದ ಈ ಡೆಪ್ಯೂಟಿ ಕಮಿಷನರಿಗೆ ಈ ಅಧಿಕಾರವಿರಲಿ ಎಂದು ಹೇಳತಕ್ಕದ್ದರಲ್ಲಿ ಏನೋ ಆಡಗಿದೆ ಎನ್ನುವುದು ನಿಮಗೂ ಸಹ ಅರ್ಥವಾಗಬೇಡ. ತಾವು ಇಲ್ಲಿ ಬರೆದಿರತಕ್ಕದ್ದನ್ನು ತಾವೇ ಓದಿದರೆ ಇದು ತುಂಬ ಅನುಮಾನಕ್ಕೆ ಎಡೆಗೊಡುವಂಥದಾಗಿದೆ ಎಂಬುದು ತಮಗೇ ಅರ್ಥವಾಗುತ್ತದೆ. ಯಾರೇ ಆಗಲಿ ಯಾವ ಅಧಿಕಾರವಿಲ್ಲದೆ ಅಂಥ ಒಂದು ರಿಪೋರ್ಟನ್ನು ಕೊಡಬೇಕು? ಡೆಪ್ಯೂಟಿ ಕಮಿಷನರು ಯಾವ ಅಧಿಕಾರವಿಲ್ಲದೆ ಒಂದು ನೋಟಿಸ್ ಕಳುಹಿಸಬೇಕು? ಈ ವಿಚಾರಗಳೆಲ್ಲ ತುಂಬಾ ಅನುಮಾನಕ್ಕೆ ಎಡೆಗೊಡುತ್ತಿವೆ. ಇಲ್ಲಿ ತಾವು ಏನು ಹೇಳಿದ್ದೀರಿ? The Deputy Commissioner, may, after giving due notice to the person concerned... remove from office any member of the Panchayat, Chairman or Vice-Chairman who has been guilty of misconduct, neglect of duty etc.....

ಇದನ್ನು ನಿರ್ಧರಿಸತಕ್ಕವರು ಯಾರು? ಹೇಗೆ ನಿರ್ಧಾರ ಮಾಡುವುದು? There should be a panchayat resolution, there should be a report from the Secretary or somebody must report to the Deputy Commissioner that such and such a man is not a party man and he is working against the interests of the party and so the D. C. should take some action. ಹೀಗೆ ಯಾರಾದರೊಬ್ಬರು ಒಂದು ರಿಪೋರ್ಟ್ ಮಾಡಬೇಕಾದರೆ ಹೇಗೆ ಅವರು ನೋಟಿಸ್ ಕಳುಹಿಸಬೇಕು? ಇದನ್ನು ಪೂರ್ಣವಾಗಿ ತಾವೇ ಓದಿ ಡೆಪ್ಯೂಟಿ ಕಮಿಷನರೇ ಏಕಾಏಕಿ ಆ ರೀತಿ ಒಂದು ನೋಟಿಸ್ ಕೊಡುವುದಕ್ಕೆ ಅವರಿಗೆ ಯಾವ ಕಾರಣವೂ ಇರುವುದಿಲ್ಲ ಎಂಬುದಾಗಿ ನನ್ನ ಕಪಾನಿಟಿಗೆ ತಕ್ಕಷ್ಟು ಅರ್ಥವಾಡಿಕೊಂಡಿದ್ದೇನೆ.

1 P.M.

ಈಗ ನೀವು ಗ್ರಾಮರಾಜ್ಯ, ರಾಮರಾಜ್ಯ ಮಾಡುತ್ತೀವೆಂದು ಏನು ಹೇಳುವುದಕ್ಕೆ ಹೊರಟಿದ್ದೀರೋ

ಅದಕ್ಕೆ ಪರುಶುರಾಮರ ಕೊಡಲ ಹೆಚ್ಚು ಬಿದ್ದ ಹಾಗೆ ಆಗುತ್ತದೆ ಏಕೆಂದರೆ ಡೆಪ್ಯೂಟಿ ಕಮಿಷನರಿಗೆ ಅಧಿಕಾರ ಕೊಟ್ಟಿದ್ದೀರಿ. ಜನಗಳಿಗೆ ಚಾನಾನ್ ಮಾಡುವುದಕ್ಕೆ ಅಧಿಕಾರ ಕೊಟ್ಟು, ಅವರಿಂದ ಚುನಾಯಿತರಾಗಿ ಬಂದವರನ್ನು ತೆಗೆದು ಹಾಕಲು ಡೆಪ್ಯೂಟಿ ಕಮಿಷನರಿಗೆ ಅಧಿಕಾರ ಕೊಡಬೇಕೆಂದು ಹೇಳುತ್ತೀರಿ. ಈಗ ತಾನೇ ನನ್ನ ಮಿತ್ರರೊಬ್ಬರು ಹೇಳಿದಂತೆ ಬಂಗ್ಲೆಯಲ್ಲಿ ಉಟಕ್ಕಿಟ್ಟು, ಎಡಗೈಯಲ್ಲಿ ಅದನ್ನು ತಪ್ಪಿಸಿದಂತೆ ಆಗಿದೆ. ಡೆಪ್ಯೂಟಿ ಕಮಿಷನರಿಗೆ ಕೊಟ್ಟಿರುವ ಅಧಿಕಾರ ಹೆಚ್ಚಿನದು. ನಿಮ್ಮ ಪಕ್ಷದ ಸರ್ಕಾರ ಇನ್ನೂ ಬಹಳ ದಿನ ರಾಜ್ಯಭಾರ ಮಾಡಬೇಕೆಂದು ಹೇಳುವುದಾದರೆ ಡೆಪ್ಯೂಟಿ ಕಮಿಷನರಿಂದ ರಿಪೋರ್ಟನ್ನು ತರಿಸಿಕೊಂಡು ಅನಂತರ ಯೋಚನೆಮಾಡಿ. ಯಾರಾದರೂ ಒಂದು ಮಾದರತಕ್ಕವನು ಅರ್ಜಿಯನ್ನು ಸರ್ಕಾರಕ್ಕೆ ಅಥವಾ ಡೆಪ್ಯೂಟಿ ಕಮಿಷನರಿಗೆ ಕೊಟ್ಟರೆ ಡೆಪ್ಯೂಟಿ ಕಮಿಷನರು ಅದರ ಮೇಲೆ ತೀರ್ಮಾನ ಮಾಡುವ ಅಧಿಕಾರವನ್ನು ಸರ್ಕಾರದಲ್ಲಿ ಇಟ್ಟುಕೊಳ್ಳಬೇಕು, ಇಲ್ಲದೆ ಇದ್ದರೆ ಕಮಿಷನರಿಗೆ ಕೊಡಿ. ಡೆಪ್ಯೂಟಿ ಕಮಿಷನರು ಲೋಕಕ್ಕೆ ಆಗಿ ಇರುತ್ತಾನೆ.

He is an uncrowned king there; he can do or undo things. Therefore, the powers that are given to the Deputy Commissioner will certainly go against the very fundamentals of democracy. I request the Hon'ble Minister to accept the amendment. ಅದಕ್ಕೋಸ್ಕರವಾಗಿ ಈ ತಿದ್ದುಪಡಿಯನ್ನು ಸರ್ಕಾರ ಒಪ್ಪಿಕೊಳ್ಳಬೇಕು. ಆದ್ದರಿಂದ ಏನೂ ತೊಂದರೆಯಾಗುವುದಿಲ್ಲವೆಂದು ಹೇಳುತ್ತೇನೆ.

Sri M. C. NARASIMHAN.—I support the amendment. I have got very serious objection to the words 'neglect or incapacity to perform his duty'. Even in the case of a Government servant if there is a slight neglect I do not think he is subject to removal. I am very well aware that simply because there is neglect to perform his duty it automatically will not involve removal of him from service itself. This is an extraordinary provision. Even in Government service or any other service if there is neglect to perform his duty a lesser punishment is fixed. But here it is total removal. Whether it is neglect, misconduct or incapacity, any of these three types of disabilities will mean total removal. I can understand if he is removed for one year; if the incapacity is not in existence after a particular date he can go back. Some such provision should be there. It is something which is thoroughly opposed to all principles under which you find punishment clause in various services. Should there not be a reasonable clause in the matter of punishment. It is

always very difficult to apply precise meaning to a word like neglect and also misconduct. Supposing a person violates unwittingly any of the bye-laws; would he come under the ambit of misconduct. Without sufficient discretion vested in the panchayat, then naturally even a minor infraction against a bye-law will come within the ambit of section 34. After all, he is an elected person. The power can be removed by virtue of a no-confidence motion; what more do we want? This will also lead to mischief for this reason. After all, the panchayat is not a body which is judicially competent; nor is it even the Deputy Commissioner himself to my mind a person who is judicially competent to determine such thing. It is only a judicial body that can determine the issue. A panchayat man brings it to the notice of the Deputy Commissioner and the Deputy Commissioner passes such orders as he deems fit and it becomes more or less final and there is no judicial authority to hear the appeal. It is an extraordinary provision which ought not to find a place in democratic administration.

Sri T. SUBRAMANYA.—I am surprised at the speeches of my friends in this respect. In every enactment you find this clause, even in municipal enactment, in the City Municipality Act you find the same thing. I dealt with a case recently where it was brought to my notice that a member of municipal council had to be removed because of misconduct. 'Misconduct' is not defined anywhere. There are case laws on the subject and what constitutes misconduct is laid down by several decisions of the High Courts and the Supreme court. We cannot define it here. Any member who is guilty of misconduct is to be removed; otherwise it is not possible to get on with the administration of any local body. Next, whether he is a Chairman or a Vice-Chairman, if he neglects his duty and if the neglect is of such magnitude as to cause his removal from office, some power must be vested in some man, whether it be at the level of Government or at the lower level, some power must be vested in some officer or the Government to remove

him. Otherwise, the work of the Local Board will not get on and hence this provision.

Sri M. C. NARASIMHAN.—Will you explain what is neglect of a member; I can understand in the case of a Chairman.

Sri T. SUBRAMANYA.—If only Sri Narasimhan is a lawyer—I do not know whether he is a law graduate—he would have known that it may not be applicable in the case of everybody. We have three types—misconduct, neglect of duty and incapacity. Neglect of duty may apply to a Vice-President or a President; misconduct may apply to a member; we do not say that neglect of duty applies to a member unless he is charged to do a particular act and where he has neglected to perform that act. Therefore, this clause must remain and it is provided in every local body's enactment particularly Municipal Act. Therefore the man will not be hit because Sri Muckannappa sees ghost every where. I do not want to use a language which may hurt him. But I am of the opinion that whether this party is in power or some other party or some dictator is in power or anything of the kind, the provision of this kind is found everywhere and it cannot be abused. Because no officer is expected to abuse his powers, because there is an appeal against that order, against that appeal the Government have got revisional powers and over and above that there is the safety of a writ to the High Court. Therefore there is no possibility of any injustice being done to any member. But the provision is essential and hence I oppose the amendment.

Mr. DEPUTY SPEAKER.—The question is:

"In clause 34, sub-clauses (1) and (2) shall be deleted and subsequent sub-clauses shall be re-numbered."

The amendment was negatived.

Mr. DEPUTY SPEAKER.—The question is:

"Clause 34 do stand part of the Bill."

The motion was adopted.

Clause 34 was added to the Bill.

Mr. DEPUTY SPEAKER.—Clause 35.

Sri K. KENCHAPPA.—I beg to move :

“The first proviso to sub-clause (1) shall be deleted.”

Mr. DEPUTY SPEAKER.—Amendment moved :

“The first proviso to sub-clause (1) shall be deleted”.

Sri K. KENCHAPPA.—The proviso runs like this :

“Provided that if no member is so elected within four weeks from the date on which notice of the vacancy is given to the Deputy Commissioner, the Deputy Commissioner shall appoint a person who would have been qualified to be elected and the person so appointed shall be deemed to have been duly elected under this subsection.”

Well, Sir, the vacancy in the appointment of a member or the Chairman or the Vice-Chairman, may occur under various circumstances, and there is a proviso to the effect that, if a vacancy were to arise within a stipulated period, the vacancy will have to be filled and in case the vacancy is not filled up later on, it is this proviso that gives the power to the Deputy Commissioner to nominate to that vacancy. Instead of nominating, why not the Deputy Commissioner as the controlling authority give direction that the appointment or the post may be filled up by an election, and why should this nomination business should be resorted to even at this stage when the Ruling Party itself is agitating against the principle of nomination so vehemently. There is a provision even in the Indian Constitution to the effect that within a course of 10 years all local self governing institutions should be made completely autonomous. Such being the case, Sir, from the beginning to the end, the theme sought here seems to be that there shall be power for appointment by nomination and still they say, they are interested in the development of the local self-governing

institutions on the principle of autonomy. Such being the case, is there no provision to make to the effect that these appointments may be made by election? Is it impossible for the ruling party to suggest some method by which the membership or the Chairmanship or Vice-Chairmanship should be by election even though the Village Panchayat has not taken steps in time? Supposing for argument's sake, for various reasons, if the Deputy Commissioner could wait for 60 days in order to remove that person against whom a no-confidence motion is moved, on account of various reasons, even before the stipulated period the Chairman or the Vice-Chairman does not take steps, Government should ask them to see that those posts are filled up by election. Or when they are the controlling authority, when there is a Chief Executive Officer about whom there is so much of trust reposed by the ruling party, that person may be given the power to convene the meeting or some other person who may be given the power to convene the meeting and see that a proper election is held. These vacancies are filled by way of election. Filling up of vacancies is opposed to the principle of local autonomy. Therefore the amendment may be accepted.

Sri M. C. NARASIMHAN.—I support the amendment. There is no necessity for the proviso. If you refer to clause 112 in relation to Taluk Board, it also prescribes the manner in which the casual vacancies may be filled up. In the case of Taluk Board, there is no such power taken up by the government to enable the Deputy Commissioner to nominate any person in the event of a failure of election. There is no discretionary power given to the Deputy Commissioner. I do not see any reason why the poor Village Panchayat should be treated in this discriminatory manner. Secondly, if you refer both to the Hyderabad Act and the Coorg Act, you will find whenever there is a failure of election in spite of due notices have been given, then there is always a provision in both the Acts for a second election,

and notices are issued to the candidates. I do not know the reason why there should not be such a provision. Why are they in such a hurry? By any stretch of imagination, this provision cannot be justified; it is discriminatory within the bounds of the statutory provisions. Therefore it should go, Sir.

ಶ್ರೀ ಸಿ. ಬಿ. ಮುಕ್ಕಣ್ಣಪ್ಪ (ಗುಬ್ಬಿ).—ಸ್ವಾಮೀ, ಈ ತಿದ್ದುಪಡಿಯನ್ನು ನಾನು ಅನುಮೋದನೆ ಮಾಡುತ್ತೇನೆ. ನಮ್ಮ ಸಚಿವರು ಹೇಳಿದರು ಪ್ರತಿಯೊಂದರಲ್ಲಿಯೂ ನಾವು ಭೂತದಂತೆ ಭಯವನ್ನು ತೋರಿತು ತಿದ್ದೇವೆಂದು ಹೇಳಿದರು. ನಿಜ. ಏತಕ್ಕಿಂದರೆ ಅಧಿಕಾರ ಅಂತಹವರ ಕೈಯಲ್ಲಿದೆ. ಅಧಿಕಾರ ಅಂತಹವರ ಕೈಯಲ್ಲಿರುವುದರಿಂದ ನಮ್ಮ ಮನಸ್ಸಿಗೆ ಪ್ರತಿ ನಿಮಿಷದಲ್ಲಿಯೂ ಭಯವನ್ನುಂಟುಮಾಡುವ ಪ್ರಶ್ನೆ ಇಲ್ಲದೆ. ಕಾರಣ ಇಷ್ಟೇ. ಇದರಲ್ಲಿ ಡೆಪ್ಯುಟಿ ಕಮಿಷನರವರು ನಾಮಿನೇಷನ್ನು ಮಾಡಬೇಕು. ಯಾವಾಗ? “ನಾಲ್ಕು ವಾರದಲ್ಲಿ ಇಂತಹ ವೇಕೆನ್ನು ಯನ್ನು ಭರ್ತಿಮಾಡಬೇಕೋದರೆ” ಎಂದು ಇದೆ. ಈಗ ಉದಾಹರಣೆಯಾಗಿ ಒಂದು ಸ್ಥಳದಲ್ಲಿ ಎಂಟು ಜನರು ಕಾಂಗ್ರೆಸ್ಸಿನವರು, ಏಳು ಜನರು ಕಾಂಗ್ರೆಸ್ಸೇ ತರರು ಇರುತ್ತಾರೆಂದು ಇಬ್ಬು ಕೋಟೋಣ ಕಾಂಗ್ರೆಸ್ಸಿನವರ ಪೈಕಿ ಯಾರೋಬ್ಬರು ರಾಜೀ ನಾಮಿ ಕೊಡುತ್ತಾರೆ, ಅಥವಾ ಒಬ್ಬರು ಗೋತಾ ಹಾಕುತ್ತಾರೆ. ಆಗ ಏನಾಗುತ್ತದೆಂದರೆ ಏಳು ಮತ್ತು ಏಳು ಸೇರಿ ಹದಿನಾಲ್ಕು ಜನರಾಗು ತ್ತಾರೆ. ಕಾಯಿದೆಪ್ರಕಾರ ನಾಲ್ಕು ವಾರಗಳ ಅವಕಾಶವಿರುವುದು ಎಂದು ಇನ್ನೂ ನಾಲ್ಕು ವಾರಗಳ ಡಿಲೇರಿಗೆ ಡೆಪ್ಯುಟಿ ಕಮಿಷನರವರು ಅಧಿಕಾರ ತನ್ನ ಕೈಯಲ್ಲಿದೆ ಎಂದು ಡಿಲೇಮಾಡುತ್ತಾರೆ. ಈಗತಾನೇ ಮಾನ್ಯ ಸಚಿವರು ಹೇಳಿದಹಾಗೆ ತುಮಕೂರಿನ ಡೆಪ್ಯುಟಿ ಕಮಿಷನರನ್ನು ಬದಲು ಜಿಲ್ಲೆಗೆ, ಬದಲು ಜಿಲ್ಲೆಯವರನ್ನು ರಾಯಚೂರಿಗೆ ಹಾಕಿದರೆ ಏನೂ ಆಗುವುದಿಲ್ಲ ಎಂದು ತಿಳಿಸಿದರು. ಇದರಿಂದ ಏನು ತೋರುತ್ತದೆ ಎಂದರೆ ಅಧಿಕಾರಿಗಳು ಅವರಿಗೆ ತಕ್ಕಂತೆ adjust ಮಾಡಿಕೊಳ್ಳುವಂತಹವರನ್ನು ಅವರು ಪುಸ್ತಿಕೆಗೆ ತಕ್ಕಂತೆ ನೇಮಿಸಿಕೊಳ್ಳುವಂತೆ ಕಂಡುಬರುತ್ತದೆ. ಒಬ್ಬರು ಕಾಂಗ್ರೆಸ್ಸಿನವರೇ ವೈಸ್‌ಚೇರ್ಮನ್‌ರಾಗಿರುತ್ತಾರೆ. ಆದರೆ ಇನ್ನುಳಿದ ಏಳು ಜನರು ನೋ ಕಾಂಟಿಡೆನ್ನು ಮೋಷನನ್ನು ಯಾವಾಗ ತರೋಣ ಎಂದು ಪ್ರಯತ್ನ ಮಾಡುತ್ತಿರುತ್ತಾರೆ. ಅಂತಹುದರಲ್ಲಿ ಒಬ್ಬರು ಕಾಂಗ್ರೆಸ್ಸಿನವರು ಗೋತಾ ಆದರೆ ಆಗ ಸಮಾನವಾಗಿ ಏಳು ಮತ್ತು ಏಳು ಆಗುತ್ತಾರೆ. ಆಗ ವೈಸ್‌ಚೇರ್ಮನ್‌ರಾಗಿರುವರು ನೋಟಿಫಿಕೇಷನ್ನು ಇತ್ಯಾದಿಗಳನ್ನು ಕೊಡುವುದಕ್ಕಾಗಿ ಅಧಿಕಾರಿಗಳು ಡಿಲೇಮಾಡಿಬಿಟ್ಟು ರಿಫೋರ್ಮನ್ನು ಕಳುಹಿಸಿ ಬಿಡುತ್ತಾರೆ. ಅಂತಹವರ ಕೈಯಲ್ಲಿ ಅಧಿಕಾರವನ್ನು ಕೊಡುವುದು ಸರಿಯೇ? ಹಿಂದೆ ಸರ್ ಮಿರ್ಜಾರವರ, ಶ್ರೀ ಮಾಧವರಾಯರ ಕಾಲದಲ್ಲಿ ನೀವುಗಳೆಲ್ಲ ಈ ನಾಮಕರಣ ಶಿಶುವನ್ನು ಯಾವಾಗ ನಿಲ್ಲಿಸುತ್ತೀರಿ ಎಂದು ಎಷ್ಟೋ ಸಾರಿ ಪ್ರತಿನಿಧಿಗಳಾಗಿ ಹೇಳುತ್ತಿರಲಿಲ್ಲವೇ? ಎಷ್ಟೋ ಸಾರಿ ನೋಟೀಸು ಬೇಕು ಎಂದು ಮೂರುನಾಲ್ಕು ಜನರು ಈ ನಾಮಿನೇಷನ್ನಿನ ಪದ್ಧತಿಯನ್ನು ನಿಲ್ಲಿಸಲು ಯಾವಾಗ ಪ್ರಾರಂಭಮಾಡುತ್ತೀರಿ ಎಂದು ಕೇಳುತ್ತಿದ್ದಾಗ ಅಲ್ಲಿ ಅಧಿಕಾರಿಗಳ ಪ್ರತಿನಿಧಿ

ಗಳಾಗಿ ಪ್ರಯತ್ನಮಾಡುತ್ತೇವೆಂದು ಹೇಳುತ್ತಿದ್ದುದು ನೆನಪಿಲ್ಲವೇ? ಇಂತಹ ವಿಷಯಗಳನ್ನು ಶಾಸನ ವನ್ನಾಗಿ ಮಾಡುವಾಗ ಕಾನೂನುಗಳನ್ನು ಬದಲಾಯಿಸುವಾಗ ಬಹಳ ತೀವ್ರವಾಗಿ ಆಲೋಚನೆ ಮಾಡಬೇಕು. ಅದಕ್ಕೋಸ್ಕರ ಕಾನೂನನ್ನು ಮಾಡುವಾಗ ಮತ್ತೆ ಮತ್ತೆ ಅಮೆಂಡ್‌ಮೆಂಟ್‌ನ್ನು ತರುವಂತೆ ಮತ್ತೆ ರಿವೀಲು ಆಗುವಂತೆ ಮಾಡಬಾರದು. ಇದರಲ್ಲಿ ಯಾವ ಭೂತ, ಪಿಶಾಚಿ, ಯಾವುದು ಇದೆಯೋ ನನಗೆ ಗೊತ್ತಾಗುವುದಿಲ್ಲ. ಕಾರಣದೇ ಇರುವ ಒಂದು ಅಧಿಕಾರಿಗಳ ಗುಂಪು ಎಂದು ಇರುವುದರಿಂದ ಭಯ ಕಾಣುತ್ತಿದೆ. ಅದುದರಿಂದ ಕಾನೂನು ಮಾಡುವಾಗ ಇದನ್ನು ಸರಿಯಾಗಿ ಮಾಡಿ ಅರ್ಥ ವಿವರಣೆ ಮಾಡಿಲ್ಲ ಎಂದು ಹೇಳಬೇಕಾಗಿದೆ. ಅಂತಹವರ ಕೈಯಲ್ಲಿ ಅಧಿಕಾರವನ್ನು ಕೊಟ್ಟರೆ ರಾಜಕೀಯಕ್ಕೆ ಸೇರಿಕೊಂಡು ಪ್ರಜಾಪ್ರಭುತ್ವವನ್ನು ನಡೆಸುತ್ತೇವೆ ಎಂದು ಹೇಳಿದರೆ ಎಷ್ಟರ ಮಟ್ಟಿಗೆ ಕೆಲಸವಾಗುತ್ತದೆ ಎನ್ನುವುದನ್ನು ತೀವ್ರವಾಗಿ ಆಲೋಚನೆ ಮಾಡಬೇಕೆಂದು ತಮ್ಮಲ್ಲಿ ಏನಯದಿಂದ ಪ್ರಾರ್ಥನೆಮಾಡುತ್ತಿದ್ದೇನೆ. ತಾವು ಹೇಳಿದಂತೆ ಈ ಬಿಲ್ಲನ್ನು ಪಾಯಮಾಡಬೇಕೆನ್ನುವುದಕ್ಕೆ ನಾವು ಸಿದ್ಧರಿದ್ದೇವೆ. ಆದರೆ ಈ ಬಿಲ್ಲಿನಂತಿರುವಂತೆ ಅಧಿಕಾರಿಗಳ ಕೈಗೆ ನಾಮಿನೇಷನ್ನನ್ನು ಮಾಡುವ ಅಧಿಕಾರವನ್ನು ಕೊಡುವುದು ಸರಿಯಲ್ಲ. ಅದಕ್ಕೋಸ್ಕರವಾಗಿ ಈ ನಾಮಿನೇಷನ್ನು ಎನ್ನುವುದನ್ನು ತೆಗೆದು ಎರಡನ್ನು ಮುಖಾಂತರ ಇವುಗಳನ್ನು ಭರ್ತಿಮಾಡಬೇಕೆಂದು ಹೇಳುತ್ತಿದ್ದೇನೆ. ಈ ರೀತಿಯಾದ ನಾಮಿನೇಷನ್ನು ಪದ್ಧತಿಗೆ ಈ ಕಾನೂನಿನಲ್ಲಿ ಅವಕಾಶ ಮಾಡಬಾರದು ಎಂದು ಹೇಳಿ ನನ್ನ ಮಾತನ್ನು ಮುಗಿಸುತ್ತೇನೆ.

Sri T. SUBRAMANYA.—I oppose the amendment, Sir. Just recently, an instance has come to my notice. A Vice-President assumed office of the President of a municipality after the President went out of office and we have been giving instructions to him persistently to hold elections for the office of the President.

ಶ್ರೀ ಎಂ. ರಾಮಪ್ಪ.—ಯಾವ ಊರು?

Sri T. SUBRAMANYA.—I am not going to name it. But the Vice-President continues to be the President without holding elections and disregarding the instructions given. Even under the municipal law, the Government have powers to nominate a man to the office of the President if the Municipal Council refuses or fails to hold elections within the prescribed period. So also, here a provision has been made. I am not going to give any answer for the very many allegations or insinuations made by one or two friends on the other side. I do not want to irritate them. But what I say is that such contingency of using public service for the purpose of

(SRI T. SUBRAMANYA)

strengthening the party is not allowed under democracy. If anybody does so, we will not allow it. Certain public services are there to carry out their duties, and not to hold any particular party in power or to strengthen themselves and I on behalf of the Government am going to assure this House that we are not using the public services for that purpose and we do not envisage that any such contingency will arise hereafter also. We do not allow them to collect party subscription; we do not allow them to do something which would put us in a favourable position as against other parties. We are not going to do any of those things. We have not done and we are not going to do. Therefore all that argument is unnecessary. I have already said that we are here to follow the principles of democracy. I know democracy will go to dogs if public services are used for party strengthening purposes and we follow that principle to the very letter and I am not going to accept this amendment.

Sri K. KENCHAPPA.—I press the amendment.

Mr. DEPUTY SPEAKER.—The question is :

“That the first proviso to sub-clause (1) shall be deleted.”

The motion was negatived.

Mr. DEPUTY SPEAKER.—The question is :

“That clause 35 stand part of the Bill.”

The motion was adopted.

Clause 35 was added to the Bill.

Mr. DEPUTY SPEAKER.—Clause 36.

Sri K. KENCHAPPA.—I beg to move :

“That in sub-clause (3) the words ‘and the Gram Sevaks’ shall be deleted.”

“That sub-clause (4) shall be deleted.”

Mr. DEPUTY SPEAKER.—Amendment moved :

“That in sub-clause (3) the words ‘and the Gram Sevaks’ shall be deleted.”

“That sub-clause (4) shall be deleted.”

Sri K. KENCHAPPA.—Sir, the intention is to cause a meeting of the village panchayats, grama sevaks are to be informed and the word used is ‘shall’. It is said that the notice shall be given to the Members and the Gram Sevaks and posted in the office of the Panchayat. Supposing for argument’s sake, notice is not given to Grama Sevaks. Then the notice itself becomes valid because the word used is ‘shall’ and it is mandatory. Further they have added ‘Government Officers’ also. Who are these Government Officers? They may be from the Minister for Local Self-Government down to the Revenue Inspector and the Grama Sevak. All these people have got the right to attend the meetings of the Grama Panchayats. This does not exclude the Divisional Commissioner and the clerk who is concerned with Local Self-Government administration in the Divisional Commissioner’s Office. The Divisional Commissioner has got so many Departments in his office and so many clerks are concerned with this; the Deputy Commissioner, Sub-Divisional Officer and the Amildar have got clerks concerned with this. So, all these people have to come and they have got a right to say something in the matter whatever strikes them. Unfortunately for them, they have no vote. I think, it is rather too much for the administration of a village panchayat to conceive of these things. I know as a matter of fact, with vast experience of 20 years, how the officers in the meeting would influence fair judgment of the elected members because the outlook of the officers has to be taken into consideration by various members for various purposes unconnected with the purpose of village panchayat. Man being what he is, he is susceptible to various influences. In that way all members of the public can go and sit there.

Such being the case, what shall become of a meeting of the village panchayats? If it is to be attended by all those people and every one can represent some thing. Some times it is said that we have got to see the capacity of the villagers which is limited and therefore it is better that officers are put there in order to enlighten them. In a democratic set-up all these things ought not to have happened and the framers of the Statute should not have conceived of the idea of allowing these people to represent their views which may well lead in any direction. I submit there are various clauses which lay down optional duties and obligatory duties but the sources of income of panchayats are very very limited. Such being the case, in a democratic set-up it is very difficult for members to resist the temptation and they will succumb to the influences of the various people. I may bring to the notice of the Hon'ble Members one incident and that is about the establishment of high schools by municipalities. When high schools were established by municipalities, the Government sent a circular that in future if high schools are started, the municipalities should not ask the Government to convert them into Government high schools. The Government officers were influenced in order to give their sanction. The Officers now take shelter by saying that there is a condition that high schools once started cannot be transferred to the control of the Government. Now there are very many prayers praying Government to take control of these schools. Let us take the items. There are very many items obligatory and optional to be undertaken by the village panchayats. Therefore, these officers must not be allowed to participate in the meetings of the village panchayats; the chief officer himself may be too much because he has got the dual responsibility. When arguments fail, abuse begins. Whenever we want to say that something is lost, logic comes to our

1-30 P.M.

aid. It is very rarely they have adopted the principles of reason, by drawing

L.A.,

conclusions by the instances they have got in their experience. All these deductions have to be taken into consideration at a later date and we have got to come to some conclusions by instances. Therefore we have got to be careful. By allowing people who will be influenced at the meeting we have got bitter experience. I hope the Hon'ble Minister will be good enough to delete the words "and the Gram Sevaks."

ಶ್ರೀ ಸಿ. ಜಿ. ಮುಕ್ಕಣ್ಣಪ್ಪ.—ಸ್ವಾಮಿ, 'ಗ್ರಾಮ ಸೇವಕ' ಎನ್ನುವುದು, ಇಲ್ಲಿ definition clause No (2) ನಲ್ಲಿಯೇ ಸೇರಿಲ್ಲ. ಎಲ್ಲಕ್ಕೂ definition ಕೊಟ್ಟಿದ್ದೀರಿ. Who is Tahasildar; what is State Government ಎಂದು ಪ್ರತಿಯೊಂದಕ್ಕೂ ಅರ್ಥವರವೇ ಕೊಟ್ಟಿದ್ದೀರಿ. 'ಗ್ರಾಮ ಸೇವಕ' ಯಾರು ಎಂಬುದನ್ನು ಮಾತ್ರ ಇಲ್ಲಿ define ಮಾಡಿ ಹೇಳಿಲ್ಲ. ಹೀಗಿರುವಲ್ಲಿ, ಯಾವ ಆಧಾರದಮೇಲೆ, ಕಾನೂನಿನಲ್ಲಿ ಅಡಕವಾಗದೆ ಇರತಕ್ಕ ಒಬ್ಬ ಮನುಷ್ಯ ನನ್ನು ಅವನ ಸ್ಥಾನಮಾನವೇನು ಎಂದು ಕಾನೂನಿನಲ್ಲಿ ನಿರ್ಧರವಾಗದಿರುವವನನ್ನು ಇಲ್ಲಿ ಸೇರಿಸಿ, ಅವನನ್ನು ಮೀಟಿಂಗ್ attend ಮಾಡುವುದಕ್ಕೆ ಅವಕಾಶ ಮಾಡುತ್ತೀರಿ?

ಇನ್ನೊಂದು 'Any Government Servant' ಎಂದು ಹೇಳಿದ್ದೀರಿ. ಅಂದರೆ ಒಬ್ಬ ಪೊಲೀಸ್ ಆಫೀಸರೂ ಆಗಬಹುದು; ಒಬ್ಬ ಪೊಲೀಸ್ ಕಾನ್ಸ್ಟೇಬಲ್ಲೂ ಆಗಬಹುದು ಇಡೀಯಾ ಗೌರವ ಮೆಂಟಿನ ಅಫೀಸಿಯರ್ ಒಬ್ಬರನ್ನು ಬಿಟ್ಟು ನಮ್ಮ ಸರ್ಕಾರದ ಯಾವ ಅಫೀಸಿಯರ್ ಬೇಕಾದರೂ ಆಗ ಬಹುದು. ಹೀಗಾದರೆ, ಅಂತರ್ಜ್ಞ ಪಂಚಾಯ್ತಿಯ ಬದುಕು!! ಹೀಗೆ Vague ಆಗಿ ಏಕೆ ಹಾಕಿದ್ದೀರೋ ನನಗೆ ಅರ್ಥವಾಗುವುದಿಲ್ಲ. ಇಂಥಾದ್ದು ಮಾಡ ಕೂಡದು. ಒಂದು ಸರ್ಕಲ್‌ಗೆ ಒಬ್ಬನೇ ಒಬ್ಬ ಗ್ರಾಮ ಸೇವಕ ಇರುತ್ತಾನೆ. ಆ ಹೋಬಳಿಯಲ್ಲಿ 16 ಪಂಚಾಯ್ತಿ ಮೀಟಿಂಗ್‌ಗಳಾದರೆ, ಒಬ್ಬರೇ ಬಿ.ಡಿ.ಒ. ಆಫೀಸರಾಗಿರುವವರು, ಒಬ್ಬರೇ ಎಜುಕೇಷನ್ ಆರ್ಗನೈಜರ್ ಇರುವಲ್ಲಿ ಯಾರ್ಯಾರು ಯಾವ್ಯಾವ ಪಂಚಾಯ್ತಿಯ ಮೀಟಿಂಗ್‌ಗಳನ್ನು attend ಮಾಡುತ್ತಾನೆ? ಒಬ್ಬರು ತಾಶೀಲ್ದಾರರು ಏನೇನು ನೋಡ ಬಲ್ಲರು? ಅದರಲ್ಲೂ 'Shall be' ಎಂದು ಹೇಳಿದ್ದೀರಿ. 'May be' ಎಂದಾದರೂ ಹೇಳಿದ್ದರೆ, ಒಂದುವೇಳೆ attend ಮಾಡದಿದ್ದರೂ ಮಾಡದಿರ ಬಹುದು. ಆದ್ದರಿಂದ ಇಂಥ Provisionಗಳನ್ನು ಮಾಡಬೇಕಾದರೆ ಸುದೀರ್ಘವಾಗಿ ಆಲೋಚನೆಮಾಡಿ ಮಾಡಬೇಕೆಂದು ಹೇಳುತ್ತೇನೆ. ತಾಶೀಲ್ದಾರ ರೊಬ್ಬರನ್ನು ಬಿಟ್ಟರೆ ಇನ್ನು ಯಾರೂ ಹೋಗಕೂಡದು. Even a Panchayat Inspector cannot go and sit there. ಆದ್ದರಿಂದ ಮನುಷ್ಯ ಯಾರು, ಸ್ಥಾನಮಾನ ಏನು ಎಂದು ಯಾವುದನ್ನು ಸರಿಯಾಗಿ ನಿರ್ಧರಮಾಡದೆ ಇಷ್ಟು Vague ಆಗಿ ಹಾಕುವುದು ಕಾನೂನು ದೃಷ್ಟಿಯಿಂದ ಬಹಳ ವ್ಯತ್ಯಾಸಕ್ಕೆ ಕಾರಣ ವಾಗುತ್ತದೆಂದು ಹೇಳುತ್ತೇನೆ. ಬರೀ 'ಗ್ರಾಮ ಸೇವಕ' ಎಂದು ಬಿಟ್ಟರೆ ಕ್ಯಾಬಿನೆಟ್ ಮಂತ್ರಿಗಳಿಂದ ಹಿಡಿದು ಒಬ್ಬ ಸಾಮಾನ್ಯ ರವಿನ್ಯಾ ಇನ್ಸ್ಪೆಕ್ಟರವರಿಗೆ ಯಾರು ಬೇಕಾದರೂ ಆಗಬಹುದು. ಆಯಾ ಪ್ರದೇಶ

(ಶ್ರೀ ಸಿ. ಜೆ. ಮುಕ್ಕಣ್ಣಪ್ಪ)

ದಲ್ವ ಜ್ಯೂರಿಸ್ಟ್ ಕ್ಲಾಕ್ ಇರುವವರು ಎಂದರೂ, ಪಂಚಾಯ್ತಿ ಇನ್‌ಸ್ಟ್ರಕ್ಟರಾಗಬಹುದು, ಬಿ.ಡಿ.ಬಿ. ಗಳಾಗಬಹುದು. ತಾಶೀಲ್ದಾರರೂ ಆಗಬಹುದು. ಯಾರು ಹೋಗಿ ಮೀಟಿಂಗ್‌ನ್ನು attend ಮಾಡಬೇಕೆಂದು define ಮಾಡಬೇಡವೇ? ಯಾರೋ ಅಧಿಕಾರಿಗಳನ್ನು ತೆಗೆದು ಕೊಂಡು ಒಂದು ಮೀಟಿಂಗ್ attend ಮಾಡಿ ಎಂದು ಹೇಳುವುದೂ ಸಮಂಜಸವಾಗಿ ಕಾಣುವುದಿಲ್ಲ. ಮುನಿಸಿಪಾಲಟಿ ಮೀಟಿಂಗ್‌ಗಳನ್ನು ನೋಡಿದರೂ, ಅಲ್ಟಿಮೊ Chief Executive Officer, ಬಿಟ್ಟರೆ ಬೇರೆ ಯಾರೂ ಇರುವುದಿಲ್ಲ. ಹಳೆಯ ಮೈಸೂರಿನ ಆಕ್ಟ್ ಪ್ರಕಾರವೂ, ಡಿಸ್ಟ್ರಿಕ್ಟ್ ಮೆಡಿಕಲ್ ಆಫೀಸರೂ, ಇಂಜಿನಿಯರು ಮತ್ತು ಡೆಪ್ಯುಟಿ ಕಮಿಷನರು ಮಾತ್ರ attend ಮಾಡುತ್ತಿದ್ದರು. ಆದ್ದರಿಂದ ಇಲ್ಲಿಯೂ ತಾವು ಯಾವ ಆಫೀಸರಿರಬೇಕೆಂದು ನಿರ್ದಿಷ್ಟಪಡಿಸಬೇಕೆಂದು ಹೇಳಿ, ಶ್ರೀಮಾನ್ ಕೆಂಚಪ್ಪನವರ ಅದ್ವೈತವಾದಿಯನ್ನು ಸರ್ಕಾರ ಒಪ್ಪಿಕೊಳ್ಳಬೇಕೆಂದು ನಾನು ಹೇಳುತ್ತೇನೆ.

Sri T. SUBRAMANYA.—Sir, we are going very slow. We have to finish the entire Bill today. Therefore at the fag end Hon'ble Members may find themselves in a hurry to go through other amendments. If on such a small amendment we take any length of time, we will find ourselves in difficulty in the end. That is the only suggestion I have made and it is for the members to accept or not.

Sri J. B. MALLARADHYA.—Supposing it is not finished?

Sri T. SUBRAMANYA.—Guillotine.

Sri J. B. MALLARADHYA.—Is there a provision in the rules for guillotine?

Sri C. J. MUCKANNAPPA.—Has the amendment been accepted?

Sri T. SUBRAMANYA.—I am not prepared to accept this amendment because Gram Sevaks are defined under the N.E.S., Act. They will be part of the Taluk Development Board.

Sri M. RAMAPPA.—Do not Gram Sevaks include Gram Sevikas?

Sri J. B. MALLARADHYA.—Man includes woman.

Sri T. SUBRAMANYA.—He says that it embraces both the classes.

Sri J. B. MALLARADHYA.—In the eye of law (*Laughter*).

Sri T. SUBRAMANYA.—Gram Sevaks have got special functions. Supposing a village panchayat gives directions to carry out certain duties; there, a person is essential. In order to make all these people available for consultation or otherwise, the provision

has been made and I am not going to accept the amendment of Sri Kenchappa.

Mr. DEPUTY SPEAKER.—The question is:

“1. In sub-clause (3) the words ‘and the Gram Sevaks’ shall be deleted.

2. Sub-clause (4) shall be deleted.”

The motion was negatived.

Mr. DEPUTY SPEAKER.—The question is:

“That Clause 36 stand part of the Bill.”

The motion was adopted.

Clause 36 was added to the Bill.

Mr. DEPUTY SPEAKER.—Clause 37. There is an amendment by Sri K. Kenchappa.

Sri K. KENCHAPPA.—My amendment is as follows:

“In sub-clause (1), for the word ‘one-half’, the word ‘one-third’ shall be substituted.”

Mr. DEPUTY SPEAKER.—Amendment moved:

“In sub-clause (1), for the word ‘one-half’ the word ‘one-third’ shall be substituted.”

Sri K. KENCHAPPA.—For a simple thing like quorum, it is too much to have one-half the number. Government therefore may accept one-third.

Sri T. SUBRAMANYA.—I cannot accept the amendment. Hon'ble Members will kindly note that a panchayat will consist of members whose number will be between 11 and 19. Suppose it is a panchayat which consists of 11 members. If one-third is to be taken as the number for quorum, then it means if three or four members are present business can be transacted. The President, the Vice-President or the Secretary, would then by themselves, or the quorum. We want to prevent such a thing happening. We have therefore provided for ‘half’ and I hope the House will agree with me.

Mr. DEPUTY SPEAKER.—The question is :

“In sub-clause (1) for the word “one-half” the word “one-third” shall be substituted.”

The motion was negatived.

Mr. DEPUTY SPEAKER.—The question is :

“That Clause 37 stand part of the Bill.”

The motion was adopted.

Clause 37 was added to the Bill.

Mr. DEPUTY SPEAKER.—Clause 38.

Sri B. L. NARAYANASWAMY (Mulbagal).—I beg to move :

‘For the words “one-half” the words “two-thirds” shall be substituted.’

Mr. DEPUTY SPEAKER.—Amendment moved :

‘For the words “one-half” the words “two-thirds” shall be substituted.’

Sri B. L. NARAYANASWAMY.—Sir, a Resolution can be passed in a panchayat only if half the strength agree, according to the terms of the Bill before the House. My intention is that two-thirds of the strength should approve of it instead of half.

Sri T. SUBRAMANYA.—I do not accept the amendment. Here is a responsible body which passes a resolution. If within six months it has to do it, it has to do it once again by half.

Mr. DEPUTY SPEAKER.—The question is :

‘For the words “one-half” the words “two-thirds” shall be substituted.’

The motion was negatived.

Mr. DEPUTY SPEAKER.—The question is :

“That Clause 38 stand part of the Bill.”

The motion was adopted.

Clause 38 was added to the Bill.

Sri M. C. NARASIMHAN.—Clause 39. I beg to move :

“In line 3, the words ‘And if any member present at the meeting so desires’ occurring after the words ‘at each meeting of the Panchayat’ shall be deleted.”

Mr. DEPUTY SPEAKER.—Amendment moved :

“In line 3, the words ‘and if any member present at the meeting so desires’ occurring after the words ‘at each meeting of the Panchayat’ shall be deleted.”

Sri M. C. NARASIMHAN.—Sir, a Member of a panchayat need not be made to insist on the recording of vote every time. Under Clause 37 (4) it is necessary to find out how a particular Member has voted. Therefore I have suggested that all the votings at meetings shall be recorded.

Sri T. SUBRAMANYA.—I oppose the amendment. No further explanation is necessary.

Mr. DEPUTY SPEAKER.—The question is :

‘In line 3, the words “and if any member present at the meeting so desires” occurring after the words “at each meeting of the Panchayat” shall be deleted.’

The motion was negatived.

Mr. DEPUTY SPEAKER.—The question is :

“That Clause 39 stand part of the Bill.”

The motion was adopted.

Clause 39 was added to the Bill.

Mr. DEPUTY SPEAKER.—Clauses 40 and 41. The question is :

“That Clauses 40 and 41 stand part of the Bill.”

The motion was adopted.

Clauses 40 and 41 were added to the Bill.

Mr. DEPUTY SPEAKER.—Clause 42.

Sri K. KENCHAPPA.—I beg to move :

“The words ‘and subject to the general control of the Government, and the superintendence of the Taluk Board’ in the beginning of the Clause shall be deleted.”

Mr. DEPUTY SPEAKER.—Amendment moved :

“The words ‘And subject to the general control of the Government, and the superintendence of the Taluk Board’ in the beginning of the Clause shall be deleted.”

Sri M. C. NARASIMHAN.—I beg to move :

‘The following new item shall be added :

“(t) maintenance of essential statistics of the village”.’

Mr. DEPUTY SPEAKER.—Amendment moved :

‘The following new item shall be added :

“(y) maintenance of essential statistics of the village”.’

Sri K. KENCHAPPA.—Sir, the purpose of my amendment is to eliminate any superintendence by the Taluk Board of the work of the panchayat in respect of matters which are obligatory. The present bill seeks to give Government powers of superintendence and I submit this would only afford an opportunity for the Government to interfere in the administration of the panchayat. The whole bill permeates with this kind of bureaucratic interference. Members on the other side may say that wisdom of the officers should be availed of by the panchayat for its own good. This is not always the case and oftentimes the reverse is true. I am of course aware that the Select Committee has substituted the word ‘control’ in the original bill by ‘superintendence’ and I do recognise the difference between the two words. Nonetheless the word “superintendence” may lead to much mischief. We all know that the Chief Executive Officer dominates the show in the Taluk Board. He is the mainspring on whom rests the working

of the Board and if we say that the Taluk Board should superintend, it would mean that the Chief Executive Officer and in turn the Government would acquire powers to interfere and thwart the working of the panchayat. I hope the Minister would be able to accept my amendment.

Sri M. C. NARASIMHAN.—Sir, my amendment is very simple. This was a compulsory function both under Section 45, sub clause 30 of the Hyderabad Act, and also Section 23, sub-clause 13 of the old Mysore Act. The Balwantrai Mehta Committee has also recommended that this particular subject should be treated as an obligatory function.

Sri T. SUBRAMANYA.—Sir, I cannot accept both the amendments. Sri Narasimhan’s amendment, though desirable, cannot be accepted because we feel that the village panchayats will not be having competent staff for that purpose.

I oppose Sri Kenchappa’s amendment, because what is intended under this clause is that a ‘Reasonable provision’ should be made ‘So far as the Panchayat fund at its disposal will allow’, for the carrying out of certain works which are obligatory. Therefore it does not amount to an unnecessary interference.

Mr. DEPUTY SPEAKER.—The question is :

“The words ‘And subject to the general control of the Government, and the superintendence of the Taluk Board’ in the beginning of the clause shall be deleted.”

The motion was negatived.

Mr. DEPUTY SPEAKER.—The question is :

‘The following new item shall be added :

“(t) maintenance of essential statistics of the village”.’

The motion was negatived.

Mr. DEPUTY SPEAKER.—The question is :

“Clause 42 stand part of the Bill.”

The motion was adopted.

Clause 42 was added to the Bill.

Sri K. KENCHAPPA.—Clause 43. I beg to move the following amendment :

“1. In the beginning of sub-clause (1), the words ‘ And subject to the general control of the Government and the superintendence of the Taluk Board ’ shall be deleted.

2. Items (b), (c), (d), (f), (g), (i), (m), (n), (o), (p), (q), (r), (w), (y) shall be deleted.

3. Sub-clause (3) and its proviso shall be deleted.”

Mr. DEPUTY SPEAKER.—Amendment moved :

“1. In the beginning of sub-clause (1) the words ‘ And subject to the general control of the Government and the superintendence of the Taluk Board ’ shall be deleted.

2. Items (b), (c), (d), (f), (g), (i), (m), (n), (o), (p), (q), (r), (w), (y), shall be deleted.

3. Sub-clause (3) and its proviso shall be deleted.”

Sri B. G. KHOT.—I beg to move the following amendment :

“Item (a) of sub-clause (1) shall be deleted.”

Mr. DEPUTY SPEAKER.—Amendment moved :

“Item (a) of sub-clause (1) shall be deleted.”

Sri M. C. NARASIMHAN.—Sir, I beg to move the following amendment :

“The following new item shall be added at the end of sub-clause (1) :

“(z) payment of subsidies to Rural Medical Practitioners ”.”

Mr. DEPUTY SPEAKER.—Amendment moved :

“The following new item shall be added at the end of sub-clause (1) :

“(z) payment of subsidies to Rural Medical Practitioners ”.”

Sri J. B. MALLARADHYA (Nanjangud).—I beg to move the following amendment :

“The following item shall be added at the end of sub-clause (1) :

“(z) power to settle civil suits having a pecuniary jurisdiction of Rs. 50 in each case and power to try criminal cases of a petty nature coming under local laws, such as Police Act ”.”

Note.—These powers may be exercised by select panchayats where there is a reasonable chance of civil and criminal powers being exercised in a proper manner.’

Mr. DEPUTY SPEAKER.—Amendment moved :

“The following item shall be added at the end of sub-clause (1) :

“(z) power to settle civil suits having a pecuniary jurisdiction of Rs. 50 in each case and power to try criminal cases of a petty nature coming under local laws, such as Police Act.”

Note.—These powers may be exercised by select panchayats where there is a reasonable chance of civil and criminal powers being exercised in a proper manner.’

Sri K. KENCHAPPA.—Sir, I have already said about the powers of the Taluk Board and I do not want to add anything more on that point.

As regards the other items (b), (c), (d), (f), etc., they are very big items involving huge expenditure. There is a very heavy responsibility thrust on the shoulders of the village panchayat. These are discretionary duties. In a democratic set-up it is very difficult to avoid even discretionary duties if they are incorporated in the statute. Government may say that if the funds of the village panchayat permit it may undertake these works, but I submit that it is practically impossible for it to undertake these works. Later on, Government may say that since these works are given to the panchayats, they must be done by the panchayats. In order to avoid such a situation, it is better that these works are deleted

(SRI K. KENCHAPPA)

from the statute and responsibility is cast on Government to do these works.

SRI B. G. KHOT.—In support of my amendment, the only thing that I want to say is, that item (a) is contradictory to item (c) and therefore it should be deleted.

*SRI J. B. MALLARADHYA.—Sir, I am sorry I did not have time at my disposal to persuade the members of the select committee to agree to my line of thinking. The history of village panchayat development in Mysore dates back to 1911. We had an Act in 1926. Since then, though sceptics may say that nothing much has been done, we have made much progress in spite of many drawbacks. So in the year 1959 to say that the village panchayats in Mysore cannot be allowed to exercise either criminal or civil powers even of a small nature, is, I am afraid, not doing justice to the village panchayat movement. If anybody has got belief in democratic decentralisation, I consider that village panchayats should be made institutions which can function in an effective manner. There might be a reasonable criticism that we have not reached a stage when we can allow them to exercise these powers as they are full of factions. These are stock arguments which I have heard for 35 years when I had been an officer in Mysore State. In the past we had village munsiff courts and so many people had been appointed as village munisiffs. In a number of cases they might have made a mess, but a number of cases were decided to the satisfaction of the parties. Merely because in a few villages things may go wrong we should not deny these civil and criminal powers to the village panchayats. From more than one platform Prime Minister Nehru has been saying that we have got to develop the village panchayats and the co-operative movement; we should allow the panchayats to make mistakes and profit by them and that we should not take serious notice of those mistakes. I am not using that argument in support of my amendment. There have been a number

of committees set up in Mysore in the past and a number of well-informed persons who had the authority to speak on subjects of such major importance have given expression to their views. There was a committee presided over by the present Chairman of the Legislative Council in the year 1949. That committee consisted of eminent persons like M. V. Rama Rao, H. S. Rudrappa, Dharmappa, Veeranna Gowdh who is now President of the Pradesh Congress Committee and Govinda Reddy who is now a Member of Parliament. This committee considered this matter of giving civil and criminal powers to the village panchayats. I should like to read a few extracts from the report of this committee so as to carry conviction to the members of this House in order to enable them to support my amendment:

“After a careful examination of the various aspects of the question the majority of the members opined that village panchayats should be given a chance to administer justice in criminal as well as civil spheres subject to certain restrictions and that the following proposals be placed before the main committee for consideration to recommend to Government for necessary action.”

“The question of conferring these powers to any village panchayat should be in the discretion of the Government, but after they are fully satisfied that wherever conditions necessary for impartial justice such as high standard of education, moral integrity prevail, Government may entrust the panchayat or panchayats with powers to try cases both civil and criminal. The Committee is further of the opinion that the panchayats should have the right to try cases of a criminal nature only in respect of offences contemplated in Acts like the following: Cattle Trespass Act, Mysore Public Health Act, Police Act.....The Committee is further of the opinion that in respect of offences coming under these Acts, only those sections which contemplate punishment by way of fines only, should be selected by Government and that under no circumstances the village panchayat courts should be given the

privilege of trying cases under sections which contemplate imprisonment as punishment. In actions of a civil nature, the committee is of the opinion that the existing Act for the establishment of village courts in Mysore be suitably amended to fit in with the new schedule....."

2 P.M.

The majority of members of the Committee favour the extension of privilege of exercising discretion. In moving this amendment, I have brought down the pecuniary jurisdiction to Rs. 50 and I want to make it further clear by saying that I am contemplating pronote cases and not land suits involving Rs. 50, because it may involve litigation from pronote cases and from simple cases where the matter may come up for adjudication. In regard to criminal cases they may deal with petty offences under the Police Act and local laws. I am in agreement with the recommendations of that Committee in 1949. Even in some areas of Bombay Karnatak this idea of investing village panchayats with criminal and civil powers is in vogue. I am open to correction by members from the integrated parts. But what I wish to make out on this occasion is, that a forward step must be taken in the direction of investing the village panchayats. What is now being felt is that village panchayats are being shut out only to satisfy a kind of vague desire on the part of people who pay lip sympathy to democracy. Unless you give a man power and an opportunity for him to exercise that power in a reasonable manner, there is no use saying we are afraid that that power may be misused. I am one of those who believe in the theory set by Mr. Nehru. Did not ancient India furnish examples of village panchayats which never went to court for adjudication of any matter? Why is it that we cannot revive the past reputation? What they call Sarpanch took within his ambit every matter for adjudication—disputes not merely arising in the villages but major disputes arising between villages and villages. So I do not think we should approach this problem in a spirit of

disbelieving people or distrusting people. I want the Hon'ble Minister in charge of the Bill to display an attitude of charitableness and give an opportunity to the village panchayats to justify that they can manage their own affairs even if it means cases involving interpretation of civil or criminal law. I do not think I should make a longer speech, but I want you to recognise the need in the year 1959 after nearly 40-50 years of the functioning of the village panchayats, this is a step forward. I do not want this Bill to go without a provision being made. It is only a few select village panchayats; let the provision be there. Even if they apply to half a dozen village panchayats, I will be satisfied.

Sri M. C. NARASIMHAN.—My intention is to provide a contingency where a panchayat within its discretion might encourage rural medical practitioners; they may be Ayurveda, Unani or otherwise. No doubt, subclause (o) provides for establishment and maintenance of dispensaries and of maternity and child welfare centres, but this does not provide for encouragement of rural medical practitioners. My amendment only seeks to provide for it and in these days when there is so much scarcity of medical personnel, the available personnel should be utilised properly. It is only with that in view I have given notice of this amendment.

*Sri M. RAMAPPA (Harihar).—I rise to support the amendment of Mr. Mallaradhy. It is an amendment which seeks to confer the power of administration of justice on this body. I should admit that it is a controversial matter. An argument may be advanced that it is a matter involving legal competency and that it is opposed to the principle of separation of the judiciary from the executive. It may also be said that this body and also the Chairman are amenable to executive control of the Government, and whether it is proper to confer upon this body the power of administration of justice. I would like to submit that what we envisage is not the administration of local justice by these bodies, but the administration

(SRI M. RAMAPPA)

of natural justice by these bodies. Mr. Mallaradhy has clarified that what he seeks is not the settling of the land disputes but of pronote suits. When he says from various platforms about grama rajya we should not be so keen on these legal aspects of the matter. We should have faith in the goodness of people. We should entrust this duty to them and try to improve their moral aspects of life. I believe that this provision will certainly be made and it will not be under obligatory duties but only under the discretionary functions of the panchayat and that too, the mover of this amendment has said in his note that these powers may be exercised by select panchayats where there is a reasonable prospect of civil and criminal powers being exercised in this manner. What he envisages is not to confer this power invariably on every panchayat but on a few select panchayats where one expects that, if not legal justice, natural justice will be done. I request Government to make this provision. Conferring this right upon a panchayat may be vested in the Government.

*SRI T. SUBRAMANYA—In regard to the amendments of Sri Kenchappa, Sri Khot, Sri M. C. Narasimhan and others, I wish to state that I am not in a position to accept any one of those amendments. It is unnecessary for me to advance any arguments, because the matter is very clear in the section itself. With regard to the investment of judicial powers to the panchayats, I am not against trying that experiment in selected areas. It is no good introducing a clause here. I have mind to form Nyaya Panchayats out of these panchayats, invest them with powers at a later stage; 'later' does not mean years. By introducing a small amendment, we will not be conferring powers on them. It requires elaborate explanation. Two or three more chapters will have to be added to this Bill, which is not possible under the present circumstances. I am sympathetically disposed towards the amendment, but since it is not possible to make provision here, I will have to oppose it with

this understanding that at a very early date we will have the whole question examined and we will see what we can do in the matter. Thank you.

SRI J. B. MALLARADHYA.—In view of the assurance given by the Minister that the matter will be examined and that he is prepared to consider this matter of investing judicial power, I do not want to press my amendment.

The amendment was, by leave, withdrawn.

MR. DEPUTY SPEAKER.—I shall now put Sri Kenchappa's amendment to vote. The question is:

"That in the beginning of sub-clause (1), the words 'and subject to the general control of the Government, and the superintendence of the Taluk Board' shall be deleted."

"That items (b), (c), (d), (f), (g), (i), (m), (n), (o), (p), (q), (r), (w) and (y) shall be deleted."

"That sub-clause (3) and its proviso shall be deleted."

The motion was negatived.

MR. DEPUTY SPEAKER.—I shall put the amendment of Sri B. G. Khot to vote. The question is:

"That item (a) of sub-clause (1) shall be deleted."

The motion was negatived.

MR. DEPUTY SPEAKER.—Mr. Narasimhan's amendment. The question is:

"That the following new item shall be added at the end of sub-clause (1):

"(z) payment of subsidies to Rural Medical Practitioners."

The motion was negatived.

MR. DEPUTY SPEAKER.—The question is:

"That clause 43 stand part of the Bill."

The motion was adopted.

Clause 43 was added to the Bill.

MR. DEPUTY SPEAKER.—Clause 44. There is an amendment by Sri K. Kenchappa. That may be moved.

Sri K. KENCHAPPA.—I beg to move:

“Clause 44 shall be deleted”.

I have suggested the deletion of clause 44 for the simple reason that the Taluk Boards are authorised to transfer any of the functions and duties to the Village Panchayats. The Village Panchayats themselves have got so many functions to perform. The Taluk Boards are given the authority to transfer their functions or some properties or anything of that sort, of course, it is stated that such transfers will be made with the consent of the Village Panchayat, but even then the village panchayat may be capable of doing, for various reasons, still there should be a conception, there should be a sense of proportion to know to what extent, we have provided for the income of the village panchayat so that the duties entrusted to them may be performed properly. Without having any regard to the various sources of income, we should not think in terms of allowing the Taluk Boards to transfer the functions or to allow the village panchayats to do very many functions. Therefore I feel that this clause should go.

Sri T. SUBRAMANYA.—There is no function to be transferred. It is only a management of an institution provided necessary funds are available.

Mr. DEPUTY SPEAKER.—The question is:

“Clause 44 do stand part of the Bill.”

The motion was adopted.

Clause 44 was added to the Bill.

Mr. DEPUTY SPEAKER.—Clause 45.

Sri K. KENCHAPPA.—I beg to move:

“That Clause 45 be deleted.”

Mr. DEPUTY SPEAKER.—Amendment moved:

“That Clause 45 be deleted.”

Sri K. KENCHAPPA.—Clause 45 reads thus:

“(1) The Panchayat shall,

L.A.

(i) subject to the regulations made by the Taluk Boards in this behalf—

(a) supervise the labour employed by Taluk Board on works within the village;

(b) execute such works as are entrusted to it by the Taluk Board;

(ii) subject to such conditions as the Government may impose with the consent of the Panchayat concerned, perform such other administrative duties including the distribution of irrigation water as may be assigned to it by the Government, by notification after consultation with the Taluk Board.

(2) A Panchayat shall not be bound to perform the duties specified in clause (ii) of subsection (1) unless sufficient funds have been placed at the disposal of the Panchayat by the Taluk Board.”

In short, it is too much for the Village Panchayat to do all these things and it is a sort a mockery if the Taluk Board is to entrust the business of supervising the works to the Village Panchayat while the labourers are working. The Panchayat must perform the duties of the Daffedar or a Maistry. It will not be real supervision, it is a mockery. Such things should not happen. Therefore it is better that the whole clause is deleted.

Mr. DEPUTY SPEAKER.—The question is:

“That Clause 45 be deleted”.

The motion was negatived.

Mr. DEPUTY SPEAKER.—The question is:

“That Clause 45 do stand part of the Bill.”

The motion was adopted.

Clause 45 was added to the Bill.

Mr. DEPUTY SPEAKER.—Clause 46.

Sri M. C. NARASIMHAN.—I am not moving my amendment, Sir.

Sri K. KENCHAPPA.—I am not moving the amendment, Sir.

Mr. DEPUTY SPEAKER.—The question is:

“That Clause 46 do stand part of the Bill.”

The motion was adopted.

Clause 46 was added to the Bill.

Mr. DEPUTY SPEAKER.—Clause 47.

Sri K. KENCHAPPA.—I beg to move:

“That Clause 47 shall be deleted.”

Mr. DEPUTY SPEAKER.—Amendment moved:

“That Clause 47 shall be deleted”

Sri K. KENCHAPPA.—This is one of the most anomalous things that have been placed before this House Sir, and we have got within our knowledge better experience in case of District Boards, that the Government by one word had transferred all the village roads or the village communication roads which were not formed and which were formed in bits. Such roads were transferred, having no consideration about the financial position of the District Board. The same spirit has been incorporated here. In the case of District Board roads, they say that, it is impossible for them to maintain the roads for the purpose of using them by the vehicles with the available resources. The Public Works Department has said that it is the responsibility of the District Board to maintain those roads. Therefore the Hon'ble Minister will have to kindly note whether to retain such an omnibus clause. They may say today that they will not be insensible to the extent that I am telling that all such things will be transferred having done so in previous years and they have transferred all the roads which were not at all formed and thrust the responsibility of maintaining the roads which were not formed properly and those roads are still there in the same condition. Under these circumstances, it is too much for the Government to think that they shall have the power of transferring any function to the Village Panchayat and ask them to do the

things. And what these functions will be—God alone knows; they may transfer any functions. Therefore they should not introduce such a clause.

Sri C. J. MUCKANNAPPA.—“The Government may, in consultation with the Taluk Board and subject to such conditions as may be imposed by the Government, authorise any panchayat by a general or special order to exercise any functions or perform any duties other than those specified in sections 42 to 45.” ಮೂಗಿಗಿಂತ ಮೂಗುತಿ ಭಾರ ಎಂದು ಹೇಳುವಂತೆ ಈಗ ಕೊಟ್ಟಿರುವ ಕೆಲಸಗಳನ್ನು ಮಾಡಿದರೆ ಸಾಕು ಎಂದು ಇರುವಾಗ ಮೊಗುಂ ಅಗಿ ಚ್ಯಾನ್ಸ್ ಫರ್ ಮಾಡುವುದಿದ್ದರೆ, ಹೇಳುವುದಿದ್ದರೆ, ಅಂಥಾದ್ದನ್ನು ಮಾಡಬೇಕು ಎಂದು ಹೇಳಿದರೆ ಹೇಗೆ? ಇಂತಿಂತಹ ಕೆಲಸಗಳನ್ನು ಕೊಡುತ್ತೇವೆ ಎಂದು ಎಲ್ಲವನ್ನೂ ನಮೂದಿಸಬೇಕಾಗಿತ್ತು. ಅದನ್ನೆಲ್ಲ 42ನೆಯ ಕ್ಲಾಜಿನಲ್ಲಿ ನಮೂದುಮಾಡಬೇಕಾಗಿತ್ತು. ಈ ಕ್ಲಾಜ್ ಪ್ರಕಾರ ಏನೇನು ಕಾರ್ಯಗಳನ್ನು ಅವರಿಗೆ ವಹಿಸುತ್ತೀರಿ ಎಂಬುದು ಅರ್ಥವಾಗದೆ ಇದ್ದರೆ ಹೇಗೆ? ಇದನ್ನು ತಾವು ಸ್ವಲ್ಪ ಯೋಚನೆ ಮಾಡಬೇಕು. Spur of the moment ನ್ನು I don't accept ಎಂದು ಹೇಳಬೇಡಿ. ಶ್ರೀ ಕೆಂಚಪ್ಪನವರು ತಂದಿರುವ ದನ್ನೆಲ್ಲ reject ಮಾಡಬೇಕೆನ್ನುವ ಭಾವನೆಯನ್ನೂ ಬಿಡಿ. ಜಿಲ್ಲಾ ಬೋರ್ಡ್ ಅಧ್ಯಕ್ಷರಾಗಿ ಬಹಳ ಅನುಭವವನ್ನು ಪಡೆದಿದ್ದಾರೆ. 42 ರಿಂದ 45ನೆಯ ಕ್ಲಾಜ್ ಗಳವರೆಗೆ ಹನುಮಂತ ಬಾಲದಂತೆ ಕೊಟ್ಟಿರುವ ಕೆಲಸಗಳನ್ನೇ ಮಾಡುವುದಕ್ಕೆ ಶಕ್ಯವಿಲ್ಲದೆ ಇರುವಾಗ ಬೇರೆ ಕೆಲಸಗಳನ್ನೂ ಸೇರಿಸುತ್ತೇವೆಂದು ಹೇಳುವುದು ಸರಿ ಯೇ? ಶ್ರೀ ಕೆಂಚಪ್ಪನವರು ತಂದಿರುವ ರೀತಿಯಲ್ಲಿ ತಿದ್ದುಪಡಿಯನ್ನು ಒಪ್ಪಿಕೊಳ್ಳುವುದಕ್ಕೆ ಆಗದೆ ಇದ್ದರೆ ಯಾವ ರೀತಿಯಲ್ಲಿ ಒಪ್ಪಿಕೊಳ್ಳುತ್ತೀರಿ ಎಂಬುದನ್ನೂ ದರೂ ತಿಳಿಸಿ. ಈ ರೀತಿಯಾಗಿ ಮಾಡುತ್ತ ಹೋದರೆ ಪಂಚಾಯಿತಿ ನಿಜವಾಗಿಯೂ ಕೆಲಸಮಾಡುವುದಕ್ಕಾಗುವುದಿಲ್ಲ. ಕಾನೂನು ಮಾಡಿಬಿಟ್ಟು ದೇಶದಲ್ಲರುವ ಪಂಚಾಯಿತಿಗಳನ್ನೆಲ್ಲ ಏನು ಮಾಡುತ್ತೀರೋ ಎನ್ನುವ ಭಯವಿದೆ. ಅದಕ್ಕೋಸ್ಕರ ಶ್ರೀ ಕೆಂಚಪ್ಪನವರು ತಂದಿರತಕ್ಕ ತಿದ್ದುಪಡಿ ಬಹಳ ಸಾಧುವಾದುದು, ಅದನ್ನು ಒಪ್ಪಿಕೊಳ್ಳಬೇಕೆಂದು ತಮ್ಮನ್ನು ಪ್ರಾರ್ಥನೆ ಮಾಡಿಕೊಳ್ಳುತ್ತೇನೆ.

Sri T. SUBRAMANYA.—Sir, I am very sorry to find that both my friends have not properly read the section. It does not say that they shall perform any of those functions transferred to them. There is no question of transferring any of the functions. It only authorises them to do anything beyond sections 42 to 46. It is only empowering, it is only authorising. Therefore this section may stand.

Sri K. PUTTASWAMY (Mysore).—Does not clause 42 (a) cover clause 47 Sir?

Sri T. SUBRAMANYA.—No, Sir. That does not cover because clause 42 (a) says—“such other functions as may be entrusted to the Panchayat from the Government from time to time”. It is only an obligatory duty. Here the section reads.—

“The Government may, in consultation with the Taluk Board and subject to such conditions as may be imposed by Government, authorise any Panchayat by a general or special order to exercise any functions or perform any duties other than those specified in sections 42 to 45.”

Suppose the Panchayat wants to perform certain functions of their own accord, there must be a power vested in the Government in consultation with the Taluk Board to authorise them to do it. With these remarks, I support this section, Sir.

Mr. DEPUTY SPEAKER.—The question is :

“That Clause 47 shall be deleted.”

The motion was negatived.

Mr. DEPUTY SPEAKER.—The question is :

“That Clause 47 stand part of the Bill.”

The motion was adopted.

Clause 47 was added to the Bill.

Mr. DEPUTY SPEAKER.—The question is :

“That Clause 48 stand part of the Bill.”

The motion was adopted.

Clause 48 was added to the Bill.

Mr. DEPUTY SPEAKER.—Clause 49.

Sri K. KENCHAPPA.—I move :

“That sub-clause (2) shall be deleted.”

Mr. DEPUTY SPEAKER.—Amendment moved :

“That sub-clause (2) shall be deleted.”

Sri K. KENCHAPPA.—Sub-clause (2), namely ‘it shall be competent to the

Government by notification to resume any property placed under the control of a Panchayat under sub-section (1) on such terms as the Government may determine’ may be deleted. That is what I am suggesting through my amendment.

Sri T. SUBRAMANYA.—I oppose the amendment.

Mr. DEPUTY SPEAKER.—The question is :

“That sub-clause (2) shall be deleted.”

The motion was negatived.

Mr. DEPUTY SPEAKER.—The question is :

“That Clause 49 stand part of the Bill.”

The motion was adopted.

Clause 49 was added to the Bill.

Mr. DEPUTY SPEAKER.—The question is :

“That Clause 50 stand part of the Bill.”

The motion was adopted.

Clause 50 was added to the Bill.

Mr. DEPUTY SPEAKER.—Clause 51.

Sri M. C. NARASIMHAN.—I beg to move :

“That in item (b) of sub-clause (3), for the words ‘and other similar bodies recognised by the Government’, the words ‘Co-operative Society, Kisan Sabhas or any other person’, shall be substituted.”

Mr. DEPUTY SPEAKER.—Amendment moved :

“That in item (b) of sub-clause (3), for the word ‘and other similar bodies recognised by the Government’, the words ‘Co-operative Society, Kisan Subhas or any other person’ shall be substituted.”

ಶ್ರೀ ಎಂ. ಸಿ. ನರಸಿಂಹನ್.—ಇದರ ಉದ್ದೇಶ ಇಷ್ಟೆ: ಪಂಚಾಯಿತಿಗೆ ಉಪನಮಿತಿಯನ್ನು ರಚನೆ ಮಾಡತಕ್ಕ ಅಧಿಕಾರ ಇದೆ. ಆದರೆ ಆ ಅಧಿಕಾರಕ್ಕೆ ಒಂದು ಪರಿಮಿತಿ ಇದೆ. ಅದೇನೆಂದರೆ, ನರ್ಕಾರ ಅಂಗೀಕರಿಸಿದ ಯುವಕ ಮಂಡಲ, ಮಹಿಳಾ ಮಂಡಲ, ಫಾರ್ಮರ್ಸ್ ಕ್ಲಬ್ ಇದರಿಂದ ಸದಸ್ಯರನ್ನು ತೆಗೆದುಕೊಳ್ಳಬೇಕೆಂದು ಇದೆ. ಯಾವುದಾದರೂ ಒಂದು ಊರಿನಲ್ಲಿ ಫಾರ್ಮರ್ಸ್ ಕ್ಲಬ್, ಮಹಿಳಾ

(ಶ್ರೀ ಎಂ. ಸಿ. ನರಸಿಂಹನ್)

ಮಂಡಲ ಇಲ್ಲದಿದ್ದರೆ ಬೇರೆಯವರನ್ನು ಸೇರಿಸಿ ಕೊಳ್ಳಬೇಕಾದರೆ ಈ ಸೆಕ್ಷನ್ ಪ್ರಕಾರ ತೊಂದರೆ ಬರುತ್ತದೆ. ಕೋ-ಆಪರೇಟಿವ್ ಸೊಸೈಟಿ ಅಥವಾ ರೈತ ಸಂಘ ಇದ್ದರೆ ಅವರಿಂದ ಸದಸ್ಯರನ್ನು ಕಮಿಟಿ ಗಳಿಗೆ ಸೇರಿಸಿಕೊಳ್ಳಬಹುದು ಎಂದು ಇರುವುದು ಅಗತ್ಯ. ಅದಕ್ಕೆ ಅಡ್ಡಿ ಆತಂಕ ಯಾವ ದೃಷ್ಟಿಯಿಂದಲೂ ಬರಕೂಡದು ಎನ್ನುವ ದೃಷ್ಟಿಯಿಂದ ಈ ತಿದ್ದುಪಡಿ ಯನ್ನು ನಾನು ಸೂಚಿಸುತ್ತೇನೆ.

Sri T. SUBRAMANYA.—I oppose the amendment.

Mr. DEPUTY SPEAKER.—The question is :

“That in item (b) of sub-clause (3), for the words ‘and other similar bodies recognised by the Government’, the words ‘Co-operative Society, Kisan Sabhas or any other person’, shall be substituted.”

The motion was negatived.

Mr. DEPUTY SPEAKER.—The question is :

“That Clause 51 stand part of the Bill.”

The motion was adopted.

Clause 51 was added to the Bill.

Mr. DEPUTY SPEAKER.—The question is :

“That Clauses 52 to 63, both inclusive, stand part of the Bill.”

The motion was adopted.

Clauses 52 to 63, both inclusive, were added to the Bill.

Mr. DEPUTY SPEAKER.—Clause 64.

Sri M. C. NARASIMHAN.—I beg to move :

“That in line 8 of sub-clause (1), for the word ‘may’, the word ‘shall’, shall be substituted.”

Mr. DEPUTY SPEAKER.—Amendment moved :

“That in line 8 of sub-clause (1), for the word ‘may’, the word ‘shall’, shall be substituted.”

Sri M. C. NARASIMHAN.—Sir, the only object is this: whereas it is obligatory on the part of the panchayat to make arrangement for pilgrimages, etc., it does not seem to be obligatory

on the Commissioner to direct collection of such moneys towards expenditure that may be incurred by the Panchayat. By this amendment, I am only seeking to make it clear that it is an obligatory duty of the Commissioner to pay.

Mr. DEPUTY SPEAKER.—The question is :

“That in line 8 of sub-clause (1), for the word ‘may’ the word ‘shall’ shall be substituted.”

The motion was negatived.

Mr. DEPUTY SPEAKER.—The question is :

“That Clause 64 stand part of the Bill.”

The motion was adopted.

Clause 64 was added to the Bill.

Mr. DEPUTY SPEAKER.—The question is :

“That Clauses 65 to 70, both inclusive, stand part of the Bill.”

The motion was adopted.

Clauses 65 to 70, both inclusive, were added to the Bill.

Mr. DEPUTY SPEAKER.—Clause 71.

Sri M. C. NARASIMHAN.—I beg to move :

“That the following item shall be added at the end of sub-clause (2):—

“(i) Revenue from any remunerative enterprises run by the Panchayat or any fee charged for services rendered.”

Mr. DEPUTY SPEAKER.—Amendment moved :

“That the following item shall be added at the end of sub-clause (2):—

“(i) Revenue from any remunerative enterprises run by the Panchayat or any fee charged for services rendered.”

Sri K. KENCHAPPA.—I beg to move :

“That in sub-clause (2) the following item shall be added :

“(a) The entire amount to which the Village Panchayat was entitled

out of land revenue allotment and assignments as per the previous Act, since February 52'."

"And the other items shall be relettered suitably. Item (e) shall be deleted."

Mr. DEPUTY SPEAKER.—Amendment moved :

"That in sub-clause (2) the following item shall be added :

'(a) The entire amount to which the Village Panchayat was entitled out of land revenue allotment and assignments as per the previous Act, since February 52'."

'And the other items shall be relettered suitably. Item (e) shall be deleted."

Sri M. C. NARASIMHAN.—There is not much for me to say.

Sri T. SUBRAMANYA.—Item (d) or (g) covers it.

Sri K. KENCHAPPA.—The intention is that the previous Village Panchayat and District Board Act was introduced in February 1952. From that day till to-day, the allotment and assignment as scheduled in Sections 35 and 36 of the Village Panchayats and District Boards Act have not been allotted to them so far according to the spirit of the section. There is so much of money still remaining to be paid to them and in the fitness of things, it is proper that these Village Panchayats must get the amount due to them. Therefore this would be accepted because it is a matter of allotting and assigning funds according to certain statutory provisions.

Sri T. SUBRAMANYA.—Sri Narasimhan's amendment is covered by Clause (d). Wherever there is some investment and remunerative purchase, they will be entitled to the proceeds from that property. Clause (g) also covers that. With regard to the amendment of Sri Kenchappa, I find there is no necessity because statutory provision which gives them benefit of certain assignment will be there and we need not mention that here. I oppose both the amendments.

Mr. DEPUTY SPEAKER.—The question is :

"That the following item shall be added at the end of sub-clause (2) :—

'(i) Revenue from any remunerative enterprise run by the Panchayat or any fee charged for services rendered'."

The motion was negatived.

Mr. DEPUTY SPEAKER.—The question is :

"That in sub-clause (2) the following item shall be added :

'(a) the entire amount to which the Village Panchayat was entitled out of land revenue allotment and assignments as per the previous Act, since February 52'."

"And the other items shall be relettered suitably. Item (e) shall be deleted'."

The motion was negatived.

Mr. DEPUTY SPEAKER.—The question is :

"That clause 71 stand part of the Bill."

The motion was adopted.

Clause 71 was added to the Bill.

Mr. DEPUTY SPEAKER.—The question is :

"That clause 72 stand part of the Bill."

The motion was adopted.

Clause 72 was added to the Bill.

Mr. DEPUTY SPEAKER.—The House now rises and meets again after half an hour.

The House adjourned for Lunch at Thirty Minutes past Two of the Clock and re-assembled at Three of the Clock.

[Dr. R. NAGAN GOWDA in the Chair.]

Mr. CHAIRMAN (Dr. R. Nagan-Gowda).—Clause 73. There is an amendment by Sri K. Kenchappa.

Sri K. KENCHAPPA.—I am not moving it.

Mr. CHAIRMAN.—Sri M. C. Narasimhan has got an amendment.

Sri M. C. NARASIMHAN.—I move:

“1. The following items shall be added at the end of sub-clause (4):—

‘(vii) a fee on vacant sites not exceeding such rates as may be prescribed by the Government;

(viii) a royalty on brick kilns, lime kilns, and other quarries at such rates as may be prescribed by the Government;

(ix) a fee on cattle pounds at such rates as may be prescribed by the Government’.

2. Sub-clause (5) shall be deleted.”

Mr. CHAIRMAN.—Amendment moved:

“1. The following items shall be added at the end of sub-clause (4):—

‘(vii) a fee on vacant sites not exceeding such rates as may be prescribed by the Government;

(viii) a royalty on brick kilns, lime kilns, and other quarries at such rates as may be prescribed by the Government;

(ix) a fee on cattle pounds at such rates as may be prescribed by the Government’.

2. Sub-clause (5) shall be deleted.”

Mr. CHAIRMAN.—Sri B. G. Khot also may move his amendment.

Sri B. G. KHOT.—Before I move my amendment, with your permission I wish to add one word ‘pilgrims’ to it. Sir, I move:

“That in item (i) of sub-clause (4) the following words shall be added at the end:

‘excluding particularly all religious items like pooja, darshana, utsava, pilgrims, etc’.”

Mr. CHAIRMAN.—Amendment moved:

“That in item (i) of sub-clause (4) the following words shall be added at the end:

‘excluding particularly all religious items like pooja, darshana, utsava, pilgrims, etc’.”

Sri M. C. NARASIMHAN.—Clause 73 is the clause which really empowers a panchayat to levy tax. So far as the clause, as it stands now, is concerned, we have already removed certain taxation powers which were vested in the panchayat in some of the integrating areas. For example, in the case of Madras there was Stamp duty. There were likewise certain other taxation measures in respect of panchayats in the Bombay area. So far as old Mysore is concerned, what I am suggesting is already in existence in section 39 of the Mysore Village Panchayat Act of 52. So I am not suggesting anything new. These additional items were considered necessary by the various committees which went into the question, both Venkatappa Committee and Chandrasekharaiah Committee. I am aware that these are small items which may not contribute too much to the finances of the village panchayats. But as it is, I am against discouraging free service being rendered by the panchayat. It is not clear to me why we should deprive them of the benefits of taxation powers. One more point about sub-clause (5). It is an extraordinary provision. It says that the Government may, by notification, suspend the levy of any tax. I cannot understand why there should be such supervisory powers. It amounts to dictation. It is a Democles sword hanging on the right of taxation powers. Suppose such a clause was in the Constitution in respect of taxation powers; we would likewise after complete deliberations decide to impose a tax and why should Government step in and say that they are prepared to suspend the tax? Supposing a particular taxation measure is not in accordance with the Constitution or in accordance with any other law for the time being in force, then a

provision is always there. But why should the Government take over the right of the panchayat handling any taxation measure which might be in the best interests of the panchayat? After all these measures can be imposed by authority. You will see that it is subject to consideration by the Taluk Board and therefore I do not see any reason for incorporating sub-clause (5) whereby Government gets the right to annul anything they want.

Sri B. G. KHOT.—Our Constitution guarantees religious freedom. In our parts of this State religious fairs are held regularly every year. This Bill empowers the levying of taxes even on such religious fairs. The purpose of my amendment is to ensure that such fairs are exempt from the scope of this clause.

Sri C. J. MUCKANNAPPA.—Sir, it has been loudly proclaimed that the intention of this Bill is to give powers and autonomy to the panchayats. But many of the provisions of this Bill seek to take away the powers which should normally belong to the panchayats. Government has reserved to themselves the powers of suspending or reducing taxes. Of course the panchayats could represent and would be heard, but Government's voice would prevail. By retaining such provisions Government desires to curtail the functions of the panchayats. Hence I support the amendment moved by Sri Narasimhan.

Sri T. SUBRAMANYA.—With regard to Sri Khot's amendment I should point out that the Government has retained power of granting exemptions. If a person goes to a fair for pooja or to the temple at the time of a jatra, he will not be taxed. It is not necessary for us to include it here itself, because that is likely to be abused by several others. I would give him this assurance that so far as people who go there to offer pooja or have darshan are concerned, they will not be taxed and exemptions will be given under the powers vested with the Government.

Sri B. G. KHOT.—In our area every person visiting a jatra is taxed per head. That should be prevented.

Sri T. SUBRAMANYA.—If it is purely a religious visit, we will try to

exempt it, but if we accept Hon'ble Member's amendment, it is likely that a man who goes there for the purpose of trade etc, may escape duties. That is why power is retained by Government to give exemption in such cases, which will be done while framing rules.

Coming to Sri Narasimhan's amendment, I might point out that the question about cattle pounds comes under the Cattle Trespas Act, which says that the amounts received by cattle pounds shall be vested with the village panchayats. Therefore this amendment is unnecessary.

With regard to amendment to (vii), the matter is covered by sub-section (a) of sub-section (1), which says that all vacant lands lying waste which have not been assessed through land revenue shall now be assessed.

With regard to quarries, Sri Narasimhan will kindly see that that matter comes under the Mining Act and therefore unless we amend it we cannot provide for it here. I do not know exactly, but I think that all amounts realised from quarries vest in the panchayat, if they are the licensing authority. Under these circumstances I am unable to accept the amendments suggested.

With regard to sub-clause (5), the House will kindly see that Government will not act arbitrarily, even while suspending taxation. The Select Committee went into the question very deeply and we have said that before suspending, the panchayat concerned should have an opportunity for being heard. Without hearing them, nothing will be done. Therefore the section as it is now may stand.

Mr. CHAIRMAN.—The question is:

1. The following items shall be added at the end of sub-clause (1);

“(vii) a fee on vacant sites not exceeding such rates as may be prescribed by the Government;

(viii) a royalty on brick kilns, lime kilns, and other quarries at such rates as may be prescribed by the Government;

(ix) a fee on cattle pounds at such rates as may be prescribed by the Government.”

(MR. CHAIRMAN)

"2. Sub-clause (5) shall be deleted."

The motion was negatived.

Sri B. G. KHOT.—I would withdraw my amendment.

The amendment was by leave withdrawn.

Mr. CHAIRMAN.—The question is :

"That Clause 73 stand part of the Bill."

The motion was adopted.

Clause 73 was added to the Bill.

Mr. CHAIRMAN.—Clause 74.

Sri M. C. NARASIMHAN.—I beg to move :

"For the words "levy or imposition of any such tax or fee" in line 2, the words "made by a panchayat" shall be substituted."

Mr. CHAIRMAN.—Amendment moved :

"For the words "levy or imposition of any such tax or fee" in line 2, the words "made by a panchayat" shall be substituted."

Sri K. KENCHAPPA.—I beg to move :

"For the words "The Standing Committee of the Taluk Board" wherever they occur in the Clause the words "The Commissioner for Local Self-Government" shall be substituted."

Mr. CHAIRMAN.—Amendment moved :

"For the words "The Standing Committee of the Taluk Board" wherever they occur in the Clause the words "The Commissioner for Local Self-Government" shall be substituted."

Sri M. C. NARASIMHAN.—The clause as it now stands provides for an appeal to the Standing Committee of the Taluk Board, not merely in respect of individual assessment, but it looks to me as though that any person may question the levy or the assessment of the tax itself ; he may question the right

to tax and the manner of the taxation. Though it is an individual who prefers an appeal, it appears that he can call into question the entire principle involved in a particular tax. I can understand the case of a person who feels agrieved by a particular assessment and questions it. The analogous section in the Hyderabad Act gives right of appeal on 'some issue'. If the provision stands as it is, it will lead to a lot of vagaries and would result in pulls in several directions.

Secondly, I do not see any reason why the Taluk Board is considered as the best and the most competent authority for the purpose of assessment. The decision of the Standing Committee of the Taluk Board is considered as final. Such an important matter as the question of assessment involving certain obligatory issues ought not to be vested solely with the Taluk Board, but it should have been given so some other authority. With these words, I support my amendment as well as Sri Kenchappa's amendment.

Sri K. KENCHAPPA.—Sir, according to this clause the Standing Committee of the Taluk Board is made the appellate authority against the decision of a village panchayat in levying any tax. This is nothing short of saying that the various institutions are graded in such a manner as to see that the District Council controls the Taluk Boards, and the Taluk Boards not even the full Taluk Board but only a Standing Committee of the Taluk Board—control the village panchayats and sit in judgment over the decisions of the village panchayats. It looks as though the Chief Executive Officer of the Taluk Board is the supreme authority over the decisions of the village panchayats. This is an anomaly which should be removed. This is also against the spirit of the principle of Local Self-Government and it is also against the Constitution.

Sri J. B. MALLARADHYA.—Sir, I do not know how this clause came to be introduced. I wonder whether the Standing Committee of the Taluk Board is a competent body to adjudicate on matters arising out of the decision of

village panchayats in levying taxes and fines. What are the types of persons you are going to get for the Taluk Boards whom you are giving the power to interpret laws? I personally feel that a Standing Committee sitting in judgement over the decision of a village panchayat will not do proper justice. You give this power to the Commissioner or the Deputy Commissioner.

Sri T. SUBRAMANYA.—If this power can be given to the Commissioner or the Deputy Commissioner I have no objection to accept that part of the amendment.

Mr. CHAIRMAN.—The question is:

‘For the words “levy or imposition of any such tax or fee” in line 2, the words “made by a panchayat”, shall be substituted.’

The motion was negatived.

Mr. CHAIRMAN.—The question is:

‘For the words “The Standing Committee of the Taluk Board” wherever they occur in the clause the words “The Commissioner for Local Self-Government” shall be substituted.’

The motion was adopted.

Mr. CHAIRMAN.—The question is:

‘That Clause 74, as amended, stand part of the Bill.’

The motion was adopted.

Clause 74, as amended, was added to the Bill.

Mr. CHAIRMAN.—Clause 75.

Sri M. C. NARASIMHAN.—I do not want to move my amendment.

Mr. CHAIRMAN.—The question is:

‘That Clause 75 stand part of the Bill.’

The motion was adopted.

Clause 75 was added to the Bill.

Mr. CHAIRMAN.—Clause 76.

Sri M. C. NARASIMHAN.—I beg to move:

‘In line 4 of sub-clause (1) after the words “the Deputy Commissioner may” the words “in

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consultation with the Taluk Board” shall be inserted.’

Mr. CHAIRMAN.—Amendment moved:

‘In line 4 of sub-clause (1) after the words “the Deputy Commissioner may” the words “in consultation with the Taluk Board” shall be inserted.’

Sri M. C. NARASIMHAN.—Sir, this is a very simple amendment which says that before the Deputy Commissioner issues an order enhancing the taxes he shall consult the Taluk Board. There is nothing extraordinary in this and I hope the Minister will accept this amendment.

Sri J. B. MALLARADHYA.—I do not want to support this amendment for the simple reason that we have been saying that the powers of the village panchayats are being interfered with at every stage. So why should the Deputy Commissioner consult the Taluk Board about the inadequacy of a particular levy by the village panchayat? If he is not satisfied with that, he can refer it back to the village panchayat itself instead of the Taluk Board. So I do not want this amendment to be accepted.

Sri T. SUBRAMANYA.—I do not accept the amendment.

Mr. CHAIRMAN.—The question is:

‘In line 4 of sub-clause (1) after the words “The Deputy Commissioner may” the words “in consultation with the Taluk Board” shall be inserted.’

The motion was negatived.

Mr. CHAIRMAN.—The question is:

‘Clause 76 stand part of the Bill.’

The motion was adopted.

Clause 76 was added to the Bill.

Mr. CHAIRMAN.—Clause 77.

Sri B. L. NARAYANASWAMY.—I beg to move:

‘1. In line 3 of sub-clause (4) for the word “levy” the word “recover” shall be substituted;

(SRI B. L. NARAYANASWAMY)

2. In sub-clause (7) (i) the words "through the village officers" in line 4, (ii) the words "provided such statement of arrears shall have been furnished by the Panchayat to him" in lines 5-6 and (iii) the last sentence shall be deleted.'

MR. CHAIRMAN.—Amendment moved:

'1. In line 3 of sub-clause (4) for the word "levy" the word "recover" shall be substituted;

2. In sub-clause (7) (i) the words "through the village officers" in line 4, (ii) the words "provided such statement of arrears shall have been furnished by the Panchayat to him" in lines 5-6 and (iii) the last sentence shall be deleted.'

*SRI B. L. NARAYANASWAMY.—With regard to my first amendment it is needless for me to offer any remark because it is merely a verbal change. The panchayats have been given certain powers to recover certain sums which have not been realised, but the wording used is "may levy such sum". The wording should have been "may recover such sum", because a sum shall not be levied but recovered.

Then in sub clause (7) the words used as "through the village officers". I do not know how the village officers come again. It is the duty of the panchayat to request the Tahsildar to recover the arrears which cannot recover, but it is not for them to suggest through which agency it should be recovered. It may be through the Revenue Inspectors or any other agency which the Tahsildar may deem fit to employ. So I have sought to delete the words "through the village officers".

Then in lines 5 and 6 there is a proviso, namely "provided such statement of arrears shall have been furnished by the Panchayat to him..... This is an unnecessary repetition and so it should be deleted. It does not

change the meaning in any way if it is deleted.

Lastly, the sentence regarding the remuneration of the village officers is to be deleted. This is something which is unwarranted. In paragraph 35 of the report of the Joint Select Committee they say that "there should be no obligation for remunerating the village officers for the recovery of moneys on behalf of the panchayat." That being the case, I do not know how this sentence can remain in this clause and so it must be deleted.

SRI T. SUBRAMANYA.—I do not agree to any of these amendments.

3-30 P.M.

MR. CHAIRMAN.—The question is:

'1. In line 3 of sub-clause (3) for the word "levy" the word "recover" shall be substituted.

2. In sub-clause 7 (i) the words "through the village officers" in line 4, (ii) the words "provided such statement of arrears shall have been furnished by the Panchayat to him" in lines 5-6 and (iii) the last sentence shall be deleted.'

The motion was negatived.

MR. CHAIRMAN.—The question is:

"That clause 77 do stand part of the Bill."

The motion was adopted.

Clause 77 was added to the Bill.

MR. CHAIRMAN.—Clause 78.

SRI B. G. KHOT.—I am not moving the amendment

SRI A. S. PATIL.—Sir, I beg to move:

'In sub-clause (1), for the word "twenty" the word "thirty" shall be substituted.'

SRI M. C. NARASIMHAN.—I beg to move.

'4. In sub-clause (2), for the words "being such.....time direct" the words "bearing the same ratio as the population of the village bears to the population

of the State" shall be substituted and the following Explanation shall be added :—

'Explanation.—For purposes of this section population means the population determined in such manner as may be prescribed.'

Mr. CHAIRMAN.—Amendment moved :

'In sub-clause (1), for the word "twenty", the words "thirty" shall be substituted.

'In sub-clause (2), for the words, "being such..... time direct" the words "bearing the same ratio as the population of the village bears to the population of the State" shall be substituted and the following Explanation shall be added.

Explanation.—For purposes of this section population means the population determined in such manner as may be prescribed.'

Sri K. KENCHAPPA.—I beg to move :

'For sub-clauses (1), (2), (3) & (4), the following shall be substituted :

"The Government shall transfer to the funds of Village Panchayat every year an amount equal to seventy-five per cent of Land Revenue collection of the Revenue village or villages situated in the Panchayat area before the month of August each year."

Mr. CHAIRMAN.—Amendment moved :

'For sub-clauses (1), (2), (3) & (4), the following shall be substituted :

"The Government shall transfer to the funds of Village Panchayat every year an amount equal to seventy-five per cent of Land Revenue Collection of the Revenue village or villages situated in the Panchayat area before the month of August each year."

Sri T. SUBRAMANYA.—On behalf of the Government, the Government

shall annually make a grant to every Panchayat of an amount equal to 20 per cent. Please remove 20 per cent and add 30 per cent of land revenue collection of the village. That is the amendment of Sri A. S. Patil. I have said instead of 20 per cent of land revenue of the village, we will give 30 per cent—10 per cent increase. The Government shall also assign to the Panchayat an amount equal to 5 per cent of the land revenue collection of the State. The amount to be allotted to any Panchayat being such as the Government may from time to time determine. This is what I have got to say about it.

Sri C. J. MUCKANNAPPA.—I rise a point of order, Sir. At this stage, the Government cannot increase or decrease unless the Government have got a sanction from the Governor. Therefore, Sir, when the Government has not got the sanction from the Governor, I think, it is not correct on behalf of this Government to increase or decrease from 20 per cent to 25 per cent or 30 per cent to 50 per cent. Hence it is out of order, Sir. I want a ruling from the Chair.

Sri T. SUBRAMANYA.—I first thought, a recommendation of the Governor was necessary to increase; on a second thought I found when the provision has been made already for a certain percentage, the amount to be spent out of the land revenue of the village, no special recommendation is necessary from the Governor. Therefore I have said instead of 20 per cent we will have 30 per cent. We have consulted our advisers on the point and it is not necessary that we should have a separate recommendation.

Mr. CHAIRMAN.—I rule that the statement made by the Hon'ble Minister is in order.

Sri M. C. NARASIMHAN.—My amendment is only to sub-clause (2) which gives the discretion to the Government to distribute 5 per cent of the total land revenue of the entire State in such a manner and at such times as they might please. There is nothing to suggest in what manner they would distribute. There is no

(SRI M. C. NARASIMHAN)

indication given in this clause as to on what principle they will distribute this particular amount of land revenue. Sir, this is because large sums of money will be vested in the hands of the Government. We do not know as to whether they will take the backwardness of the particular panchayat into account or as to whether they will take any particular criterion into account. That is why I have said, this 5 per cent may be distributed at least on the basis of the population. I am not at all suggesting that they would only distribute on political grounds; that may also be one of the considerations, and there may be so many other considerations also which would not be germane to the issue of the development of the panchayat. When you leave it, anything is possible. I do not wish to make any accusation against the Government in view of the assurance given by the Minister already. He has definitely stated that he will not make any political discrimination and I take him on his word. Whatever it is I am not offering remarks on that. But generally it is customary to assign the grant only on one basis. If you take the first clause, it is related to the land revenue. You will kindly see that the variation is very huge. For example, if you take the District of North Kanara, then the land revenue assignment will be very low. If it is 30 per cent of the land revenue, then it will be very small amount because the return on account of land revenue in that area is very small when compared to an area like Bidar. There will be much difference. In order to see that this difference is made good to a reasonable extent, I am putting the idea of population. Fortunately there was an amendment of Shri Gorphade, unfortunately he is not here. Even now it is not too late for the Government to accept the amendment of Shri Gorphade. It is still open to the Government to come forward and accept it. Because after all in the old Mysore Act that idea was already there—assignment of particular grant was

based on the amount of total length of roads in any particular district.

When it is already there in the old Mysore enactment, I do not see the reason why it should not be included here. It is only in this light that I am pressing my amendment.

Sri K. KENCHAPPA.—My amendment seeks to see that the Government would allow 75 per cent of the land revenue of the State to each Panchayat and not 35 per cent because according to the accepted proposition, the land revenue assignment is to be made to an extent of 30 per cent according to clause (1) and 5 per cent according to clause (2). My proposition is that these clauses should be deleted and 75 per cent of the land revenue should be allotted and assigned to each Panchayat. My reason is this: The entire Mysore State has got the land revenue to the extent of Rs. 4 crores and we have got 26,000 villages in the State. About 11,000 to 12,000 panchayats may be established. For developing the activities of the village panchayats, the entire amount is to be spent. Twenty-five per cent is to be spent for the taluk boards and 75 per cent for the village panchayats. This is not much. If we make calculations, the amounts that are assigned every year to various village panchayats in the State, will come to that much. My contention is 75 per cent realisation of land revenue in a particular village must be given to that village itself because the scheduled items of works have increased enormously and some of the items involve very huge expenditure and unless proper calculations are made for the purpose of enabling the village panchayats to carry on the duties entrusted to them, it is impossible for them to carry on the duty. The Government today are thinking in terms of sanctioning grants. I have got my own view. There shall be no word 'grant' to the village panchayats. Grants are favours of the Ministers or Government. They may grant to a particular village or they may not and thereby they may allow some of the municipalities to suffer and some of the municipalities to be developed. It is,

therefore, better that allocations are made and assignments are made according to the statutory provisions so that they may not have any discretionary powers at all. Such being the case, if we read the sub-clause (2), it says :

“The Government shall also assign to the Panchayats in the State an amount equal to five per cent of the land revenue collection of the State, the amount to be allotted to any Panchayat being such as the Government may, from time to time, determine, to be expended on such purposes as the Government may from time to time direct.”

Even the purposes indicate that the Government may grant some amount for purposes beyond the scope of the scheduled items of work to the village panchayat and this 5 per cent may be given to the panchayat whichever they may like and they may not give at all. It involves a heavy responsibility on the part of the Government. I think it is in the interest of the Government itself to sever this responsibility and give assignment and allotment according to the amounts accrued in that village. Therefore, my submission is that sub-section (2) has to be deleted. Sub-section (3) is still more harmful for determining the land revenue collections of a village. When the Village Panchayats Act was passed in 1952, there was such a clause but they have not assigned the allotment amount due to the village panchayat; the formalities were not completed and the form to be allotted is not prescribed by the competent authorities like the Accountant General's office and so on; till today, they have not set aside the amount though four years have elapsed after passing of that Act. The same thing happened in the case of District Boards. No doubt amount has been sanctioned to the District Board according to old calculations without having any regard to the responsibility and duties under Sections 106 and 107 of the Village Panchayats and District Boards Act. Sections 35 and 36 are the relevant sections of the Village

Panchayats and District Boards Act passed in 1935 according to which they have a right to take some amount and that also has not been done. In answer to an interpellation the answer has been given to the effect that 5 per cent has been given to some village panchayats and that too after the question has been put and so many village panchayats are not at all given. That is why I have tabled an amendment which has been voted down a few minutes back. That amount which is standing due to the village panchayats must be given according to the Act of 1952. Today, the Hon'ble Minister was pleased to answer that that amount due to the village panchayats would be assigned and I hope that will be implemented and fulfilled. That is the assurance which encourages me still further to say that this clause (3) is capable of much mischief. There is no need to prescribe a particular bar or anything of the sort. They may take shelter under that clause for not assigning the amount for a number of years and thus cripple the development of the Village Panchayats. Therefore, this clause is also sought to be deleted. The sub-clause (4) says :

“The amounts granted and assigned to a Panchayat under sub-sections (1) and (2) shall be credited to the Panchayat Fund at such times and in such manner as may be prescribed.”

“As may be prescribed”, when, God alone knows. Therefore, I have proposed that this amount must be given in that year and in case of not transferring or assigning that amount to the fund before August of that year, the Government shall stand indicted for not having implemented the assurances to carry out obligatory duties according to the statutory provisions. We have the bitter experience that till today assignments are not made to the District Board or Village Panchayat and we have reached a stage when we must insist that the mandatory provisions of the Act must prevail, because rule of law should govern and not the whim and fancy of the Government.

Sri J. B. MALLARADHYA.—I do not wish to make a long speech. But I cannot resist the temptation of making observations in this connection that the financial allocations made for the work in the Taluk Boards and the Village Panchayats are not based on a rational working out of the effect when such allocations are made whether it is 20 per cent or 30 per cent. I am glad the Hon'ble Minister has agreed that the amount proposed to be granted is inadequate and therefore it would be increased to 30 per cent. But my point is on what basis this allocation is decided to be made.

Even at the Select Committee stage I wanted the Minister to get from the Secretary a statement showing the effects that these allocations will have on several categories of villages. I am sure by this allocation if it is decided without any kind of discrimination between taluks and villages which are settled, irrigated and non-irrigated areas—after all the money is given for developmental work and it is the responsibility of the State to see that the backward areas are getting opportunities for development in a larger measure and if as a result of this allocation it is not likely to yield the expected results, I am afraid we would not have done justice by the areas which require greater and closer attention. Having regard to this I am asking whether Government have any data to suggest that it should be 30 per cent of the revenues of that particular taluk or village and what exactly is the effect of this five per cent reserve? I do not object to the Government reserving this amount if they are going to distribute it in a manner having regard to the backwardness of the area and having regard to the other considerations which suggest the urgency or necessity of a particular panchayat. What I am rather concerned is: is it going to benefit the people of the villages which are intended to be benefited? There is no basis why it should be 30 or 35 per cent as my friend Sri Kenchappa suggests. The whole point is that a village panchayat should not only have their finances but also be aware

of the exact expenditure incurred to enable it to frame its budget to carry out its duties. My point is that Government should tell us if today they have any agreed data or the basis on which they have come to the conclusion. Otherwise I am afraid we will have endless troubles. Supposing there is a village panchayat which is a dry area and where land revenue is very little; they may say that this five per cent reserve will be there to help; is that enough? So there is uneven distribution. I want to know from the Hon'ble Minister if these aspects are considered. Even at the Select Committee we were all of the view definitely that this disparity between irrigated areas and dry areas would be a very serious matter which should be considered from all aspects. I do not know whether before coming to a final decision the Government have considered this matter. I only asked for clarification.

Sri C. K. RAJIAH SETTY (Chicknaikanahalli).—I support the amendment of Sri Narasimhan. I think there is a lot of justice in what he has brought as amendment. If we look to the figures of each district and compare the maximum and minimum number of taluks, you will find there will be a great disparity so far as population, etc., are concerned. After all Government is expected to give amenities like medical aid, education, etc., as provided in the Constitution. So the policy of Government in allocating grant on revenue basis is unjust. It is the responsibility of a panchayat also to repair wells, to provide lights, to provide primary school buildings and so there should be equal opportunity to all the people of the State. So there is no justification in allocating funds on revenue basis. The Government of India gave about six crores as grant to this Government which was calculated on population basis. It is necessary even now for the Government to accept this amendment. I think the Hon'ble Minister also feels that it is right. But probably due to the circumstances that he has to change the very structure of the Bill he may feel hesitant to accept it.

I support this amendment wholeheartedly and I hope Government is going to accept it.

ಶ್ರೀ ಸಿ. ಜೆ. ಮುಕ್ಕಣ್ಣಪ್ಪ.—ಸ್ವಾಮಿ, ಸರ್ಕಾರದವರು ಗ್ರಾಮಾಂತರ ಪ್ರದೇಶಗಳ ಬಗ್ಗೆ ಅವುಗಳ ಅಭಿವೃದ್ಧಿಯ ವಿಚಾರದಲ್ಲಿ ತಮ್ಮ ಒಂದು ಜವಾಬ್ದಾರಿಯನ್ನು ನಿರ್ಗೊಳ್ಳಬೇಕೆಂಬ ದೃಷ್ಟಿಯಿಂದ ಇಲ್ಲವೇ ಅದನ್ನು ಕಾಮೆ ಮಾಡಿಕೊಳ್ಳಬೇಕೆಂಬ ಉದ್ದೇಶದಿಂದ ಇಂಥ ಒಂದು ವಸೂಲಿಯನ್ನು ತಂದಿರುವ ಹಾಗೆ ಕಾಣುತ್ತಿದೆ. ಈ ಹಳ್ಳಿಯ ಜನರ ದುರ್ದೈವವನ್ನು ಎಷ್ಟೊಂದು ಹೇಳಲಿ? “ಪಾಪಿ ಸಮುದ್ರ ಹೊಕ್ಕರೂ ನೀರು ಮೊಳಕಾಲಗೇ ಬಂತು” ಎನ್ನುವಂತಿದೆ, ಈ ಮನೂಬೆಯ ಉಪಕಾರ ಆ ಹಳ್ಳಿ ಜನರಿಗೆ. ಏತಕ್ಕೊಂದರೆ ಸರ್ಕಾರದವರು ಅವರಿಗೆ ಕೊಡತಕ್ಕ ಧನಸಹಾಯವೇನಿದೆ ಅದನ್ನು ಆ ಯಾ ಗ್ರಾಮಗಳಿಂದ ಕಂದಾಯ ರೂಪದಲ್ಲಿ ಸರ್ಕಾರಕ್ಕೆ ಬರುತ್ತಿರುವುದರ ಮೇರೆ ರೆಕ್ಯಾಡಾರ ಹಾಕಿಕೊಂಡು ನಾವು ನಿಮಗಿಷ್ಟು ಹಣವನ್ನು ಕೊಟ್ಟುಬಿಡುತ್ತೇವೆ. ಅದರಲ್ಲಿ ನೀವು ನಿಮ್ಮ ಗ್ರಾಮದ ಅಭಿವೃದ್ಧಿಯನ್ನು ಹೇಗಾದರೂ ಮಾಡಿಕೊಳ್ಳಿ, ಇದಕ್ಕಿಂತ ಜಾಸ್ತಿ ಸಹಾಯವನ್ನು ನಾವು ನಿಮಗೆ ಒದಗಿಸಲು ಸಾಧ್ಯ ಎಲ್ಲವೆಂದು ಹೇಳಿರುವಂತೆ ಇದೆ. ಆದರೆ ಸರ್ಕಾರದವರು ಈ ದಿವಸ ಇಂಥ ಒಂದು ಬಿಲ್ಲನ್ನು ತಂದು ಇದಕ್ಕೆ ಸಭೆಯ ಒಪ್ಪಿಗೆಯನ್ನು ಪಡೆದುಕೊಳ್ಳದಿದ್ದರೆ ನಾಳೆ ಹಳ್ಳಿಯ ಜನರು ಬಂದು ನಿಮಗೆ ಒಂದು ಆಸ್ತತ್ರೆಯನ್ನು ಕೊಡಿ, ಒಂದು ಸ್ಕೂಲು ಕೊಡಿ, ಒಂದು ಕೆರೆ ಕಟ್ಟಿಸಿ ಕೊಡಿ; ಒಂದು ರಸ್ತೆ ಮಾಡಿಸಿಕೊಡಿ, ಒಂದು ಬಾವಿ ತೆಗೆಸಿಕೊಡಿ ಎಂದು ಕೇಳಬಹುದಾಗಿತ್ತು. ಇನ್ನು ಮುಂದೆ ಅವರು ಆ ರೀತಿ ಬಂದು ಸರ್ಕಾರದವರನ್ನು ಒತ್ತಾಯಮಾಡದೆ ಇರುವಂತೆ ಮಾಡಬೇಕೆಂಬ ಉದ್ದೇಶದಿಂದ ಈಗ ಸರ್ಕಾರದವರು ಆ ಹಳ್ಳಿಗಳಿಗೆ ವರ್ಷಕ್ಕೆ ಆಯಾ ಗ್ರಾಮದ ಕಂದಾಯದ ವಸೂಲಿಯಲ್ಲಿ ಶೇಕಡ 20ರಷ್ಟನ್ನೂ ಅಥವಾ 30ರಷ್ಟನ್ನೂ ಕೊಟ್ಟುಬಿಡುತ್ತೇವೆ; ನೀವು ಆ ಹಣದಲ್ಲಿ ಒಬ್ಬ ಸಬ್ ಇಂಜಿನಿಯರನ್ನು ಇಟ್ಟುಕೊಂಡು ಒಂದು ಆಫೀಸನ್ನು ಮಾಡಿಕೊಂಡು ಆ ಮೂಲಕ ನಿಮಗೇನುಬೇಕಾಗಿ ದ್ದರೂ ಮಾಡಿಸಿಕೊಳ್ಳಿ. ನಿಮಗೆ ಆಸ್ತತ್ರೆಯೇಕಾಗಿ ರಲಿ, ಗಾರ್ಡನ್ ಬೇಕಾಗಿರಲಿ, ಕೆರೆಕಟ್ಟಿಗಳು ಬೇಕಾಗಿ ರಲಿ, ಸ್ಕೂಲು ಬೇಕಾಗಿರಲಿ, ಬಾವಿಬೇಕಾಗಿರಲಿ ಹೀಗೆ ಏನುಬೇಕಾಗಿದ್ದರೆ ಅದನ್ನು ಮಾಡಿಸಿಕೊಳ್ಳಬಹುದೆಂದು ಸರ್ಕಾರದವರು ಹೇಳುತ್ತಿರುವುದನ್ನು ನೋಡಿದರೆ ಇದು ಹೇಗಿದೆಯೆಂದರೆ “ಕೊಡುವುದು ಕಾಸು—ಮನೆ ತಂಬಿ ಹಾನು” ಎಂದು ಹೇಳಿದಂತಿದೆ. ಹೀಗೇಕೆ ಮಾಡುತ್ತಿದ್ದಾರೆಂಬುದೇ ನನಗಿನ್ನೂ ಅರ್ಥವಾಗುತ್ತಿಲ್ಲ. ಇದಕ್ಕೆ ಒದಲಾಗಿ ಸರ್ಕಾರದವರು ನಾವು ಕೊಡತಕ್ಕದ್ದು ಇಷ್ಟೇ. ನೀವು ಇಷ್ಟೇ ಡೆವಲಪ್ ಮೆಂಟ್ ಕೆಲಸಗಳನ್ನು ಕೈಗೊಳ್ಳಬೇಕು; ಇಷ್ಟಕ್ಕೆ ಜಾಸ್ತಿ, ನೀವು ಪ್ರವೇಶಿಸಬಾರದು ಎಂದು ಏಕೆ ಹೇಳಬಾರದು? ಇಲ್ಲಿ ಸರ್ಕಾರದವರು ಕೊಟ್ಟಿರತಕ್ಕ ಕ್ಲಾಜುಗಳಲ್ಲಿ 78 ಮತ್ತು 83ನೆಯ ಕ್ಲಾಜುಗಳನ್ನು ಹೋಲಿಕೆಮಾಡಿಕೊಂಡು ಒಂದಿರ ಆ ಬೋರ್ಡಾಯ ಕರ್ಣಾಟಕ ಪ್ರದೇಶಕ್ಕೆ—ಎಂದರೆ ಬೆಳಗಾಂ, ಬಿಜಾಪುರ, ಧಾರವಾಡ ಮತ್ತು ಉತ್ತರ ಕನ್ನಡ ಜಿಲ್ಲೆಗಳಿಗೆ ಐದು ವರ್ಷಗಳ ತನಕ—ಸೆಕ್ರೆಟರಿಗಳ ಸ್ವಾಭಾವಿಕ ಮತ್ತು ಆರೋಗ್ಯೋಪಕರಣಗಳ ಬಗ್ಗೆ ಮೊದಲನೆಯವರ್ಷ ಶೇಕಡ 75ರಷ್ಟನ್ನೂ ಆ ಮಾರನೆಯ ವರ್ಷ ಶೇಕಡ 60ರಷ್ಟನ್ನೂ— ಕೊಡುತ್ತೇವೆಂದು ಹೇಳಿದ್ದಾರೆ.

ಇನ್ನುಳಿದ ಪ್ರದೇಶಗಳಿಗೆಲ್ಲ ಶೇಕಡ 20ರಷ್ಟು land revenue ಎಂದು ಹೇಳಿದ್ದಾರೆ. ಹೀಗೇಕೆ ಇಲ್ಲಿ ಇಂಥ ಒಂದು ವೆಂಚೆನೆ, ತಾರತಮ್ಯ ಭಾವನೆಯನ್ನು ತೋರಿಸುತ್ತಿದ್ದಾರೆ? ಇದನ್ನು ನೋಡಿದರೆ ಆ ಬೋರ್ಡಾಯ ಕರ್ಣಾಟಕ ಪ್ರದೇಶದಲ್ಲಿ ಸ್ವಲ್ಪ ಕಾಂಗ್ರೆಸ್ ಸದಸ್ಯರ ಸಂಖ್ಯೆ ಜಾಸ್ತಿಯಿರುವಂತೆ ಕಾಣುತ್ತಿದೆ. ಅವರಿಗೆ ಇಂಥ ಒಂದು ಅನುಕೂಲತೋರಿಸಿ ಮುಂದಿನ ಸಾರಿಗೂ ಸಹ ನಾವೇ ಈ ಅಧಿಕಾರ ಹೊಡೆದು ಕೊಳ್ಳಬೇಕೆಂಬ ಉದ್ದೇಶಕ್ಕಾಗಿ ಹೀಗೆ ಮಾಡಿರುವಂತೆ ಕಾಣುತ್ತಿದೆ. ಆದರೆ ಮೈಸೂರಿನವರ ಮರ್ಜಿಯ ಪ್ರಕಾರ ಅವರು ಯಾರಿಗೆ ಒಟ್ ಕೊಡುತ್ತಾರೆಂಬುದು ಯಾರಿಗೂ ಗೊತ್ತಾಗುವುದಿಲ್ಲ. ಆ ದಾ ಗೂ ಸರ್ಕಾರದವರು ಇಂಥ ಒಂದು ಸ್ವಲ್ಪ ಕಾರಣಕ್ಕಾಗಿ ಹೀಗೆಲ್ಲಾ ಡಿಸ್ಟ್ರಿಬ್ಯುಷನ್ ಮಾಡಬಾರದು. ಈ ದಿವಸ ಸರ್ಕಾರದವರು ಆ ಬೆಳಗಾಂ, ಬಿಜಾಪುರ, ಧಾರವಾಡ ಮತ್ತು ಉತ್ತರ ಕನ್ನಡ ಜಿಲ್ಲೆಗಳಿಗೆ ಒಂದು ರೀತಿ ಇನ್ನುಳಿದ ಜಿಲ್ಲೆಗಳಿಗೆ ಒಂದು ರೀತಿ ಮಾಡಿರತಕ್ಕದ್ದು ನನಗೇನೋ ಅಷ್ಟು ಅಭ್ಯಾಯ ಮಾನವಾಗಿ ಕಾಣುವುದಿಲ್ಲ. ನನ್ನೆಂದು ದಿವಸ ಶ್ರೀ ಗೋಪಾಲಯವರು ಈ ಹಣದ ಹಂಚಿಕೆಯ ವಿಚಾರದಲ್ಲಿ ಏನೇನೋ ಹೇಳುತ್ತಿದ್ದರು. ಆದರೆ ಈ ದಿವಸ ಅವರೇಕೋ ಯಾವ ತಿದ್ದುಪಡಿಯನ್ನೂ ತಂದಿಲ್ಲ. ಆದರೆ ಅವರಿಗೆ ಸಭೆಯಲ್ಲಿದ್ದರೆ ಚೆನ್ನಾಗಿತ್ತು. ಈ ದಿವಸ ಸರ್ಕಾರದವರು ಯಾವ ಯಾವ ಗ್ರಾಮದ ಅಭಿವೃದ್ಧಿಗೆ ಎಷ್ಟೆಷ್ಟು ಹಣವೇಕೋ ಅಷ್ಟನ್ನು ಕೊಡದೆ ಆ ಗ್ರಾಮಗಳ ಅಭಿವೃದ್ಧಿಯನ್ನು ಮೊಟಕುಮಾಡಬೇಕೆಂಬ ಅಭಿಪ್ರಾಯದ ಜೊತೆಗೆ ಇದರಲ್ಲಿ “ಡಿವೈಡ್ ಅಂಡ್ ರೂಲ್” ಪಾಲಿಸಿ ಬೇರೆ ಸೇರಿಸಿ ಇಂಥ ಒಂದು ಬಿಲ್ಲನ್ನು ತಂದಿರುವುದು ಸರ್ಕಾರದವರ ಗೌರವಕ್ಕೆ ಸಲ್ಲತಕ್ಕದ್ದಾಗಿಲ್ಲ. ಇದರಿಂದ ಅವರಿಗೆ ಮರ್ಯಾದೆ ಬರುವುದಿಲ್ಲ. ಆದುದರಿಂದ ಇದನ್ನು ಸರಿಪಡಿಸಲು ಈಗ ತಂದಿರುವ ತಿದ್ದುಪಡಿಯನ್ನು ಅವರು ಒಪ್ಪಿಕೊಳ್ಳಬೇಕೆಂದು ಅವರಲ್ಲಿ ಏನೆಯಿಂದ ಪ್ರಾರ್ಥನೆಮಾಡಿಕೊಳ್ಳುತ್ತೇನೆ. ಈ ದಿವಸ ಒಂದು ಗ್ರಾಮಕ್ಕೆ ಸೇರಿರತಕ್ಕ ಜಮಾನೆಲ್ಲ ಬುಟ್ಟಿ ಜಮಾನಾಗೇ ಇದ್ದು—ಅಲ್ಲಿ ಅದರ ಕಂದಾಯ ಎಕರೆಗೆ ನಾರಾಣ್ ಆದರೆ, ಆಗ ಆ ಗ್ರಾಮಕ್ಕೆ ಸರ್ಕಾರದವರು ಕೊಡಬಹುದಾದ ಗ್ರಾಂಟ್ ಎಷ್ಟಾಗಬಹುದು? ಆದರೆ ಕಂದಾಯ ಕಡಮೆ ಇದ್ದಾಗ್ಯೂ ಆ ಗ್ರಾಮದ ಜನಸಂಖ್ಯೆಯೇನೂ ಕಡಮೆ ಇರುವುದಿಲ್ಲ. 1500—2000 ಜನಗಳು ಆ ಗ್ರಾಮವಲ್ಲಿದ್ದರೆ ಆ ಗ್ರಾಮಕ್ಕೆ ಒಂದು ಪಂಚಾಯತಿ ಇರಬೇಕಾಗುತ್ತದೆ. ಆ ಗ್ರಾಮದ ಒಬ್ಬ ಕಂದಾಯ 1500ಕ್ಕೆ ಜಾಸ್ತಿ ಇರುವುದಿಲ್ಲ.

4 P.M.

ಅಲ್ಲಿಯ ವಸೂಲಿ 1,000 ರೂಪಾಯಿ ಅಥವಾ 1,500 ರೂಪಾಯಿ ಇರಬಹುದು. ಇದರಲ್ಲಿ ಶೇಕಡ 30 ಎಂದರೆ ಎಷ್ಟು ದುಡ್ಡು ಕೊಟ್ಟುಹಾಗಾಗುತ್ತದೆ? ಇಷ್ಟು ಕಡಮೆ ಹಣವನ್ನು ಕೊಟ್ಟರೆ ಜನ ಕಾಯಗಳನ್ನು ಮಾಡಬಹುದು? ಆದುದರಿಂದ ಈ ಹಣವನ್ನು ಹಂಚುವಾಗ ಜನಸಂಖ್ಯೆಯ ಆಧಾರದ ಮೇರೆ ಹಂಚಬೇಕು. ಹಾಗೆಮಾಡದೆ ಹೋದರೆ ಹಳ್ಳಿಗಳನ್ನು ಅಭಿವೃದ್ಧಿ ಮಾಡುತ್ತಿಲ್ಲವೇ, ಜನರನ್ನು ಅಭಿವೃದ್ಧಿ ಮಾಡುತ್ತಿಲ್ಲವೇ, drought area, barren country, ಈ ಪ್ರದೇಶಗಳಲ್ಲಿ ಯಾವ ಜನರು ಹಿಂದುಳಿದಿದ್ದಾರೆ; ಆ

(ಶ್ರೀ ಸಿ. ಜಿ. ಮುಕ್ಕಣ್ಣಪ್ಪ)

ಜನರನ್ನು ಪೇಲಕ್ಕಿ ಮತ್ತು ಹೈದೇನ್ನುವುದು ಬರಿಯ ಬಾಯಿಮಾತಾಗುತ್ತದೆ. ಯಾವ ಜನರು ಮೇಲಕ್ಕೆ ಬಂದಿದ್ದಾರೆ, ಯಾವ ಜನರು lion shareಗಳನ್ನು ಅಭಿವೃದ್ಧಿ ಸ್ಥಿತಿಯಲ್ಲಿದ್ದಾರೆ ಅವರೇ ಮತ್ತಷ್ಟು ಅಭಿವೃದ್ಧಿ ಯಾಗುವುದಕ್ಕೆ ಸಹಾಯ ಮಾಡಿದಂತಾಗುತ್ತದೆ. ಹಂಚತಕ್ಕ ಹಣವನ್ನು ಅಲ್ಲ ಬರತಕ್ಕ ಕುದಾಯ ಕಾಣಿಕೆಗಳ ಆಧಾರದ ಮೇಲೆ ಹಂಚಿದರೆ ಏನೂ ಉಪಯೋಗವಾಗುವುದಿಲ್ಲ. ಕೂಡತಕ್ಕ ಹಣ ಸಾಲುವುದಿಲ್ಲ. ಉಳುಕು ಇಡುತ್ತೇವೆಂದು ಅರಹೊಟ್ಟೆ ಹಾಕಿದರೆ ಅವನಿಗೆ ಹಸಿವು ನೀಗಿದಂತಾಗುವುದಿಲ್ಲ, ಹಸಿವು ಎಂದು ಹೇಳುವುದಕ್ಕೆ ಆಗುವುದಿಲ್ಲ. ಹಾಗಾಗಬಾರದು. 80ನೆಯ ಕ್ಲಾಜಿನಲ್ಲಿ transitional provisions regarding grants ಎಂದು ಇದೆ. ಅದರ ಪ್ರಕಾರ ಕ್ಲಾಜು 78 ಕ್ಕೂ discrimination ಆಗುತ್ತದೆ. ಇದನ್ನು ಸರಿಪಡಿಸದೆ ಕಾನೂನು ಮಾಡುವುದರಿಂದ ನಮಗೆ ಅಪಕೀರ್ತಿ ಬರುತ್ತದೆ. ಆದುದರಿಂದ ಸರ್ಕಾರ ಈ ತಿದ್ದುಪಡಿಯನ್ನು ಒಪ್ಪಿಕೊಳ್ಳಬೇಕೆಂದು ಹೇಳುತ್ತಿದ್ದೇನೆ.

Sri T. SUBRAMANYA.—The amendment proposed by Sri Narasimhan is with regard to clause 2 of Section 78. He says that the amount of five per cent held at the disposal of the Government may be allocated according to the population of the villages, but I found to my surprise, Hon'ble Members speaking about clause (1), that is that the amount allocated under clause (1) should be distributed according to population. I want to make it clear that we are allocating money to the several villages according to their land revenue collected in the village. There may be some disparities with regard to the amount that will be received by the various panchayats. That is admitted. We should not compare the Excise duty or the Income-Tax collected by the Central Government with the land revenue. Land revenue is almost a village taxation and the money, according to me, must go to the villages according to the moneys collected in that village. In certain places taxation is very heavy, in certain other places development has gone ahead whereby we collect extra land revenue and in some other places there are no facilities, no irrigation and the amount collected is very small, and the village panchayat will not get sufficient money for development works. In order to bring about something akin to uniformity of allocation, we have reserved five per cent.

This five per cent will not be divided according to population, but according to the need of the village panchayat. If a village panchayat gets about Rs. 3,000 and another collects only Rs. 1,000, there is imbalance and five per cent will be utilised to remove the imbalance.

Sri B. K. PUTTARAMIYA (Channapatna).—Will five per cent be sufficient? In the last Ministry it was ten per cent and even that was insufficient.

Sri T. SUBRAMANYA.—I think it will be sufficient. I have the same fears as my friend Sri Puttaramaiah that this five per cent may not be sufficient to equally distribute the amount, but there are other grants at the disposal of the Government. We are spending on health and education about 6.1 rupees per head whereas in Madras it is 3.8. Under health and sanitation we have sufficient money to equalise the imbalance. My only anxiety is that there should not be delay in implementing the provisions of this enactment. I want my Hon'ble friend to understand how we are distributing the several moneys at our disposal. For example, under rural water supply, we have said that the grants that we have given now must be spent first in the non-N.E.S. areas. The N.E.S. areas have their own provision for rural water supply. If the same amount is distributed between the N.E.S. and non-N.E.S. areas, then the non-N.E.S. areas would be hit hard. Therefore we say that the amount now allotted should be spent in non-N.E.S. areas and the balance, if any, may be spent in N.E.S. areas. In the same manner we can make a provision and say that if we give any special grant, we will give to places where the panchayats will not have sufficient funds even after this allocation. Therefore it is my idea that this five per cent should be distributed among the panchayats whose income will be meagre. But if we want to do it according to population, the whole structure of the Bill will be altered and there will be delay. Hence I do not want to accept the amendment just at present. We will work this scheme for six months or one year and see how it

works. We can remove inequalities that may arise hereafter by means of an amendment or by bringing a fresh proposal before the House. The idea is just to see that we provide sufficient funds to the village panchayats to improve.

Sri Mallaradhya has asked what the rationale behind this allocation is. We are spending over the villages, for the several items of work. We allot a certain amount of money every year. That amount, for that work, has been placed at the disposal of the village panchayat. The amount that we were spending hitherto through Government agencies has been given to the village panchayats. We hold the village panchayats responsible for all the development work. We do not want to carry all the development work through the Central agency. We want the village panchayat to take the initiative not only for planning, but for execution also. The amount at our disposal is placed in their hands for that purpose. That is the basis upon which the allocation has been made. That is the rationale. Whether 30 per cent is enough or not is a matter on which there is no difference of opinion. I say that it is not sufficient. We may as well allocate the entire land revenue. A time may come in the near future—if not this year, next year or afterwards—when we will be able to allocate all the land revenue to the village panchayat. But this year and next year, it will not be possible because we have our plan expenditure. The plan expenditure has to be retained because the Centre will give their quota according to our resources. If we say that we have large resources, they will contribute as much. If we reduce our resources, then comes the trouble. Our plan expenditure will be at a standstill. Keeping these two points in view, we have put 30 per cent for developmental work in the villages. That is the basis upon which we have made this allocation.

Then, Sir, some member made a remark that we were losing money by prohibition. I may tell my friends here that by introducing prohibition in one

district or two districts or in a taluk or in the border areas we will not lose money this time. We will get the same amount this time, but next year we have to balance. There is no discrimination according to law. If we discriminate against the same classes, then comes the rub. Lawyer friends will agree with me when I say that there is no discrimination at all here in distribution, but there may be disparity. We will try to remove that disparity as far as possible by making grants from the reserve that we hold. If that is not possible we will supplement it by means of grants at our disposal.

Sri M. R. PATIL (Hubli).—Sir, we in the North Karnatak do not want any preference and so we have agreed that section 80 be dropped.

Sri T. SUBRAMANYA.—After giving 30 per cent to all the Village Panchayats, if we treat any panchayat specially, then there will be discrimination. Therefore I am going to appeal to the House to vote down clause 80 and clause 80 shall not be there. If clause 80 is allowed to continue that would amount to discrimination. So when we come to clause 80 I will request the House to vote it down.

With these few remarks I request the members to withdraw their amendments. Otherwise, I have to oppose them.

As regards the amendment of Sri A. S. Patil, raising it from 20 per cent to 30 per cent if the House accepts it I have no objection.

Mr. CHAIRMAN.—The question is

‘In sub-clause (1), for the word “twenty” the word “thirty” shall be substituted.’

The motion was adopted.

Mr. CHAIRMAN.—The question is

‘In sub-clause (2), for the words, “being such.....time direct” the words “bearing the same ratio as the population of the village bears to the population of the State” shall be substituted and the following Explanation shall be added:—

*Explanation:—*For purposes of this section population means the

(MR. CHAIRMAN)

population determined in such manner as may be prescribed.'

The motion was negatived.

MR. CHAIRMAN.—The question is: 'For sub-clauses (1), (2) (3) and (4), the following shall be substituted:—

"The Government shall transfer to the funds of the Village Panchayat every year an amount equal to seventy-five per cent of the Land Revenue Collection of the Revenue village or villages situated in the Panchayat area before the month of August each year."

The motion was negatived.

MR. CHAIRMAN.—The question is:

"Clause 78, as amended, stand part of the Bill."

The motion was adopted.

Clause 78, as amended, was added to the Bill.

MR. CHAIRMAN.—Clause 79. The question is:

"That Clause 79 stand part of the Bill."

The motion was adopted.

Clause 79 was added to the Bill.

MR. CHAIRMAN.—Clause 80.

SRI T. SUBRAMANYA.—Sir, by virtue of the fact that we have increased it to 30 per cent of the land revenue collection, I request the House to vote down clause 80.

MR. CHAIRMAN.—The question is:

"That Clause 80 stand part of the Bill."

The motion was negatived.

Clause 80 was deleted from the Bill.

SRI M. C. NASASIMHAN.—What about my amendment?

MR. CHAIRMAN.—It does not arise now.

SRI M. C. NARASIMHAN.—I am entitled to move that a separate clause be added. It is not correct to say that now that clause 80 has been voted

down, I cannot move my amendment because the Minister suddenly announced the withdrawal of clause 80. I am all the same entitled to add a separate clause.

MR. CHAIRMAN.—I have already put the clause to vote and it has been negatived. Now I cannot allow your amendment to be moved.

SRI M. C. NARASIMHAN.—It does not take away my right to move for the addition of a separate clause.

SRI B. V. DESAI.—I rise to a point of order. Since clause 80 has been voted down, there is no clause 80 now and the member cannot move an amendment to add a new sub-clause to clause 80. So I do not think there is any necessity of moving the amendment of the member.

MR. CHAIRMAN.—I uphold the point of order.

SRI C. K. RAJAI AH SETTY.—The Hon'ble Member's amendment seeks to substitute a fresh clause in place of clause 80 and so he has a right to move his amendment.

MR. CHAIRMAN.—We have already passed over clause 80.

SRI M. C. NARASIMHAN.—I would like to know which particular rule precludes me from moving a new clause to be added. My amendment is in the nature of a new clause to be added at the end of clause 80 and it has nothing to do whatever with clause 80. It is totally a new clause. If it were something in the nature of an amendment to clause 81 or 82 or 83, your ruling to the point raised now will be all right. What I am moving is totally a new clause. It has nothing to do whatever with clause 80. My amendment reads thus:—

"(4) Notwithstanding anything contained in the foregoing provisions the Government may assign by way of grant to the panchayats a sum equal to 66 2/3 per cent of the expenditure incurred by a panchayat on account of establishment charges."

Section 80 proposed in the Bill amounts to discrimination. That is why I do

not want that clause to be retained. Supposing I had said, strike 'off clause 80' then you would have said, it is out of order.

Mr. CHAIRMAN.—I have understood Sri Narasimhan.

Sri J. B. MALLARADHYA.—I have got to ask for a clarification. Whether after the ruling of the Chair, is there any occasion for speaking on clause 80 again? The whole point, as it appears to me, is that on the printed Amendment Lists, this is an addition to clause 80, to appear as clause 81. The ruling of the Chair has been on clause 80. This has been voted by the House. I want to know under what provision you allow the moving of this proposition; I want to ask by way of a clarification.

Mr. CHAIRMAN.—That is right. When the point of order was raised, I ruled that this could not be moved. Sri Narasimhan has no position to move. He cannot move his amendment to clause 80. We will proceed to clause 81.

Clause 81.

Sri T. SUBRAMANYA.—Clause 81 may be taken up a little later, Sir, because there are certain amendments given notice of by Sri K. L. Narasimhiah.

Sri J. B. MALLARADHYA.—How can you allow the postponement of the amendments, Sir? In the past when the members on this side were not present, you did not postpone their amendments to be taken up later on. Now when the Hon'ble Member on the other side is not present, why it should be taken at a later stage. I want to know whether such a discrimination could be made on the floor of this House. The whole of today and yesterday whenever a member was absent on this side you did not take up his amendments for consideration. When Sri Narayana Gowda was absent, you did not allow his amendment to be moved. When Sri Narasimhiah is not here, how will you give a chance to take up his amendment at a later stage?

Sri T. SUBRAMANYA.—It is left to the Chair. Before his name was called, I being the responsible man for sponsoring this Bill, consider that it may be held over for sometime.

Sri C. J. MUCKANNAPPA.—I raise a point of order, Sir. When I requested the Chair to hold over the amendment of Sri B. L. Narayanaswamy, the Chair held it as out of order. How at this stage, the Minister says that he is a responsible man, and therefore, he can do this. Can a responsible man commit a blunder? Therefore let not the Minister for Labour commit a blunder and give room for others to criticise. I request you not to pursue that matter.

Sri B. K. PUTTARAMIYA.—You can give a ruling immediately, Sir.

Mr. CHAIRMAN.—Order, order. Rule 47 of the Rules of Procedure and Conduct of Business in the Legislative Assembly says.—

“87. The Speaker may, if he thinks fit, postpone the consideration of a clause.”

Sri B. K. PUTTARAMIYA.—Under what rule?

Mr. CHAIRMAN.—Under this rule.

Sri J. B. MALLARADHYA.—The Hon'ble Speaker was pleased to read out the section which enables him to postpone consideration of any particular clause of the Bill. I obey the Chair so far as the provision of law is concerned. What are the compelling circumstances at present which warrant the Speaker to postpone it? Will the Speaker kindly inform us what exactly is the thing which prompted him to take such a decision? Are there any compelling grounds? That is the point which I wish to raise. You have got enormous powers for conducting the proceedings. Even in the exercise of powers, only reasonable discretion should be used.

Sri B. K. PUTTARAMIYA.—Sir, I want to make a statement. ಈ ತನಕ ನಾವು ನೆಪ್ಪಡಿಯಿಂದ ಇದ್ದೆವು. ನಮಗೆ ಅಧ್ಯಕ್ಷರಿಂದ ಒಂದೇ ತರದ treatment ನಿಕ್ಕುತ್ತದೆಂದು ತಿಳಿದಿದ್ದೆವು. ಹಾಗಿರುವಲ್ಲಿ, ಸರ್ಕಾರವಿಲ್ಲದೆ, ಸರ್ಕಾರದವರು ಈ ಕಾಜನ್ನು ಮುಂದೆಹಾಕಬೇಕೆಂದು ಕೇಳಿದ್ದರ ಮೇಲೆ, ತಾವು ಮುಂದೆ ಹಾಕುವುದಕ್ಕೆ ಅವಕಾಶಕೊಟ್ಟಿದ್ದನ್ನು ನೋಡಿದರೆ, ವಿರೋಧಪಕ್ಷದವರಿಗೆ ಎಷ್ಟರ ಮಟ್ಟಿನ protection ಇದೆ ಎಂದು ಗೊತ್ತಾಗುತ್ತದೆ. ನಾವು ಇಲ್ಲಿ ಒಕೆ ಕೆಲಸಮಾಡಬೇಕೋ ಅರ್ಥವಾಗುವುದಿಲ್ಲ. ಅದುದರಿಂದ, ಅಧ್ಯಕ್ಷರಲ್ಲಿ ನಮಗಿರತಕ್ಕ ಗೌರವವನ್ನು ಸ್ವಲ್ಪ, ಈ ಸಭೆಯಲ್ಲಿ

(SRI B. K. PUTTARAMIYA)

ಇಂಥ ವಾತಾವರಣದಲ್ಲಿ ಕೆಲಸ ಮಾಡುವುದು, ಬಹಳ ಕಷ್ಟವೆಂದು protest ಮಾಡಿ ನಾವು ಹೋರಗೇ ಹೋಗುತ್ತೇವೆ.

(The Opposition party walked out.)

Mr. CHAIRMAN.—I postpone the consideration of clause 81. Now we will go to clause 82. There are no amendments to this clause.

The question is :

“That clause 82 do stand part of the Bill.”

The motion was adopted.

Clause 82 was added to the Bill.

Mr. CHAIRMAN.—Clause 83. There is an amendment by Sri K. Kenchappa. He is not here. I put the clause to the vote of the House.

The question is :

“That Clause 83 do stand part of the Bill.”

The motion was adopted.

Clause 83 was added to the Bill.

Mr. CHAIRMAN.—There is an amendment to clause 84 by Sri K. Kenchappa. He is not here. I will put the clause to the vote of the House.

The question is :

“That Clause 84 do stand part of the Bill.”

The motion was adopted.

Clause 84 was added to the Bill.

Mr. CHAIRMAN.—The question is :

“That Clauses 85 to 96 do stand part of the Bill.”

The motion was adopted.

Clauses 85 to 96 were added to the Bill.

Mr. CHAIRMAN.—Clause 97.

4-30 P.M.

Sri B. RACHIAH (Chamarajanagar).—I beg to move the following amendment to clause 97 :

“That in item (a) of sub-clause (1), between the words ‘elected’

and ‘by’, the following words shall be inserted :

“to the general seats and seats reserved for scheduled castes and tribes.”

Mr. CHAIRMAN.—Amendment moved :

“That in item (a) of sub-clause (1), between the words ‘elected’ and ‘by’, the following words shall be inserted :

“to the general seats and seats reserved for scheduled castes and tribes.”

Mr. CHAIRMAN.—There is an amendment by Sri B. K. Puttaramiya. He is not here. Sri A. S. Patil may move his amendment.

Sri A. S. PATIL.—Sir, I move :

“That in sub-clause (2), for the words ‘but shall not’ the words ‘and shall also’, shall be substituted.”

Mr. CHAIRMAN.—Amendment moved :

“That in sub-clause (2), for the words ‘but shall not’ the words ‘and shall also’, shall be substituted.”

Sri M. C. NARASIMHAN.—Sir, I move :

“That in sub-clause (2) the words ‘but shall not be entitled to vote’ shall be deleted.”

Mr. CHAIRMAN.—Amendment moved :

“That in sub-clause (2) the words ‘but shall not be entitled to vote’ shall be deleted.”

(At this stage Sri B. K. Puttaramiya was in his seat.)

Sri B. K. PUTTARAMIYA.—Am I allowed to move my amendment ?

Mr. CHAIRMAN.—You were not present when your name was called.

Sri M. C. NARASIMHAN.—After all, we have gone in good spirit. You may be pleased to allow him to move his amendment.

Sri J. B. MALLARADHYA.—We staged a walk out in consonance with a democratic practice and if it is the intention of the Chair to penalise the members of this party for following a certain democratic function, we have nothing to say. As stated by my friend Sri Narasimhan, after all the Speaker has got powers to suspend the operation of any rule and allow him to move the amendment.

Sri T. SUBRAMANYA.—I would like to intervene. If there were to be a request to postpone consideration of a particular clause, the Chair has discretion to postpone consideration. In this case there was no request from anybody present here to postpone consideration. My point is that at the time when his name was called, nobody made that request. Therefore, according to rules, they are entitled; but as pointed out by Sri Narasimhan, we want to proceed on the good understanding, create an atmosphere of goodwill. If the Chair allows him to move the amendment to clause 97, I will have no objection.

Sri M. RAMAPPA.—Under rule 87, we can postpone the consideration of the clause. It is not contemplated that any request by any member in the absence of a member who tables the amendment, it is within your powers, without any request being made by any member, to postpone the consideration of the clause. So it is not necessary as the Minister said, to make a request in the absence of the member who tables the amendment.

Sri T. SUBRAMANYA.—In regard to the interpretation of that rule, nobody differs. *Suo moto* the Chair can do it or on the request of somebody. I have said that even without any request having been made, since the Hon'ble Member has now come and there is a request to take up the amendment, it may be taken up.

Mr. CHAIRMAN.—Sri Puttaramiya may move his amendment.

Sri B. K. PUTTARAMIYA.—Sir, I move the following amendment to clause 97 :

“That item (b) of sub-clause (1) shall be deleted.”

“That sub-clause (2) shall be re-lettered on item (b) deleting the words ‘shall be entitled to attend every meeting of the Taluk Board and take part in the proceedings but shall not be entitled to vote.’”

Mr. CHAIRMAN.—Amendment moved :

“That item (b) of sub-clause (1) shall be deleted.”

“That sub-clause (2) shall be re-lettered on item (b) deleting the words ‘shall be entitled to attend every meeting of the Taluk Board and take part in the proceedings but shall not be entitled to vote.’”

Sri K. KENCHAPPA.—Sir, I move :

“That item (b) of sub-clause (1) shall be deleted.”

“That for sub-clause (2), the following shall be substituted :

‘2. Two seats for the people of scheduled castes and two seats for women shall be reserved, arranging for their election in such constituency in a taluk where the number of these people and women is greater or fixing for their seats alternatively for each election at the discretion of the Deputy Commissioner having in view, the number of such seats for the Taluk bearing as nearly as may be the same proportion to the total number of seats in the taluk for seats of people of scheduled castes.’”

Mr. CHAIRMAN.—Amendment moved :

“That item (b) of sub-clause (1) shall be deleted.”

“That for sub-clause (2), the following shall be substituted :

‘2. Two seats for the people of scheduled castes and two seats for women shall be reserved, arranging for their election in such constituency in a taluk where the number of these people and women is greater or fixing for their seats alternatively for each election at the discretion of the Deputy Commissioner having in view, the number of such seats for the Taluk

(MR. CHAIRMAN)

bearing as nearly as may be the same proportion to the total number of seats in the taluk for seats of people of scheduled castes'."

MR. CHAIRMAN.—Now I will call Sri B. Rachiah to speak.

SRI B. RACHIAH.—While replying to the general debate, the Hon'ble Minister was pleased to accept the reservation of seats for the scheduled castes and tribes and this clause 97 deals with the composition of the taluk boards and that is why this amendment is suggested. According to item (a) of sub-clause (1) of clause 97:

"Every Taluk Board shall consist of—

(a) members directly elected by ballot by the voters in each Taluk in accordance with the provisions of the Act and the rules made thereunder."

I have suggested this amendment between the words 'elected' and 'by'. Item (a) of sub-clause (1) as amended would read like this:

"members directly elected to the general seats and seats reserved for scheduled castes and tribes by ballot by the voters in each Taluk in accordance with the provisions of this Act and the rules made thereunder."

I, therefore, submit this amendment for the acceptance of this House.

MR. CHAIRMAN.—Now I call on Mr. Narasimhan to speak.

SRI M. C. NARASIMHAN.—My amendment pertains to the question of the right of the members of the Legislature to vote. It does not provide for right to vote so far as Members of the Legislature are concerned. I think it has already been accepted by the Minister that in principle he has no objection. So, Sir, I need not speak much on it.

SRI A. S. PATIL.—Unless the Members of Legislature have got active power to vote, they would not have effective control over the proceedings

of the Taluk Board. Therefore, I submit that the Members, if they should do useful work, must be entitled to vote. Therefore, I moved this amendment.

SRI B. K. PUTTARAMIYA.—I support Sri Narasimhan's views regarding this clause. I oppose this nomination.

SRI K. KENCHAPPA.—By this amendment it is sought to see that item (b) of sub-clause (1) is deleted for the simple reason that in the Taluk Board, there shall be no element of nominated member. In clause 99 provision is made for nominating two women and two members of the Depressed Classes in case they are not returned to the Taluk Board in election. My purpose in deleting the nominated member is this: according to section 98, the Taluk Board should consist of members not less than 15 and not more than 19. Supposing, Sir, according to the scheme that has been put forth before us, if election takes place and without electing the women and members of the Scheduled Caste, all seats are captured by members other than women and the Scheduled Castes, then by adding two Scheduled Caste and two women representatives, the minimum and the maximum will not be kept within the scope of 15 and 19, but it will be 19 and 23 and it affects the very fundamental principle as stated in Section 98. Sir, there is no provision to say that in a case where the members returned do not belong to the section of women or the class of the Scheduled Castes, the strength of each Taluk Board shall be less by four. On the other hand, there is this anomaly. Unless the principle of nomination itself is based on the ground that scheduled caste people do not get a seat. Ordinarily it is not an easy matter. They have got a conception; they can secure two seats by nomination and people will be reluctant to elect them. The feelings of women and scheduled caste also must be respected. Proportional representation must be there. On the other hand, if the seats are reserved in each Taluk to represent according to the population in each constituency so that in a

Taluk Board at least two men will represent and two scheduled caste people will represent, then they will stand as a matter of right and they will certainly get their seats and there will be proper representation. At the same time the feeling of women section and scheduled caste people also will have been respected. In these circumstances, there will be no scope to nominate two more according to Section 98. On the other hand, the proposition that has been sought here for reserving two seats for women and two seats for the members of the Scheduled Castes will give them proportional representation and we may keep the number of the Taluk Board within the limit prescribed in clause 98. I, therefore, hope that the Government will accept this proposition.

Sri M. C. NARASIMHAN.—This is related to my other amendment under Section 99. I need not add more. We have already accepted the principle of reservation for Scheduled Castes in the case of Panchayats under Section 5 of the Bill which we have already enacted as law. On the same principle, Sri Kenchappa's amendment is also there to clause 97 and my amendment is there to clause 99. What I suggest is that it might be taken as amendment to Section 97 and 99 may be deleted.

Sri T. SUBRAMANYA.—After my statement day before yesterday, I thought there was no necessity for so much speech about it. I accept in principle that the reservation to Harijans shall be in proportion to the population of the Taluk and they shall be elected and not nominated and also with regard to women nomination, I accept that in principle. Therefore Legislative Assembly and Legislative Council Members will be entitled to vote. I concede all those points. Sections 97, 99, 100 and 102 require some consequential changes because of the amendments that I have accepted. All these four sections may be held over so that I might give a proper draft for acceptance of this House. I accept that there shall be reservation for Harijans, for women and Legislative Assembly Members shall be entitled to vote as also

Legislative Council Members. With these remarks, I request that these sections may be held over and I will give a draft for them.

Sri B. K. PUTTARAMIYA.—Clauses (1) and (2) may be deleted.

Sri T. SUBRAMANYA.—They may be held over so that I might give a proper draft for the acceptance of this House. I might also here say because certain sections are being held over, the Chair has got power to go beyond the time limited by the Business Advisory Committee by one hour. Therefore we may go on clause by clause and all those clauses which are reserved may be taken up tomorrow during one hour and we will close this Bill within that one hour.

Mr. CHAIRMAN.—So, the consideration of clauses 97, 99, 100 and 102 is postponed for the time being. Now, I will put clause 98, because there is no amendment.

Sri S. D. KOTHAVALA.—Clause 98 is held over.

Sri T. SUBRAMANYA.—I do not want clause 98 to be held over because the strength of the Board has been fixed and we will have to stick to that number. Therefore it may not be held over and it may have to be put to the vote of the House.

Mr. CHAIRMAN.—The question is :

“That clause 98 stand part of the Bill,”

The motion was adopted.

Clause 98 was added to the Bill.

Mr. CHAIRMAN.—Clause 101. There is no amendment. The question is :

“That clause 101 stand part of the Bill.”

The motion was adopted.

Clause 101 was added to the Bill.

Mr. CHAIRMAN.—Clause 103. There is an amendment by Sri M. C. Narasimhan.

Sri M. C. NARASIMHAN.—I am not moving my amendment.

Sri T. SUBRAMANYA.—I have made my position very clear that no one person shall be a member of two local

(SRI T. SUBRAMANYA)

bodies. Either he must be a member of the municipality or of the village panchayat or Taluk Board. A member of this House, if he wants to be a member of a particular Taluk Board, cannot be there so long as he is a member of the municipality.

Mr. CHAIRMAN.—The question is:

“That clause 103 stand part of the Bill.”

The motion was adopted.

Clause 103 was added to the Bill.

Mr. CHAIRMAN.—Clauses 104 to 107, both inclusive. The question is:

“That clauses 104 to 107, both inclusive, stand part of the Bill.”

The motion was adopted.

Clauses 104 to 107, both inclusive, were added to the Bill.

Mr. CHAIRMAN.—Clause 108. There is an amendment by Sri M. C. Narasimhan.

Sri M. C. NARASIMHAN.—I am not moving the amendment.

Mr. CHAIRMAN.—I shall put clauses 108 to 110. The question is:

“That clauses 108 to 110, both inclusive, stand part of the Bill.”

The motion was adopted.

Clauses 108 to 110, both inclusive, were added to the Bill.

Mr. CHAIRMAN.—Clause 111. There is an amendment by Sri M. C. Narasimhan.

Sri M. C. NARASIMHAN.—I beg to move my amendment:

“The words at the end of the clause ‘or of performing his duties as a member of the Board’ shall be deleted.”

Mr. CHAIRMAN.—Amendment moved:

“That the words at the end of the clause, viz., ‘or of any disgraceful conduct or has been incapable of performing his duties as a member of the Board’ shall be deleted.”

Sri M. C. NARASIMHAN.—I think the reply is the same.

Sri T. SUBRAMANYA.—Yes. The result also is the same.

Sri M. C. NARASIMHAN.—I am not pressing it.

Mr. CHAIRMAN.—The question is:

“That clause 111 stand part of the Bill.”

The motion was adopted.

Clause 111 was added to the Bill.

Mr. CHAIRMAN.—Clause 112. Sri M. C. Narasimhan may move his amendment.

Sri M. C. NARASIMHAN.—My amendment is as follows:

“The words ‘or nominations’ in line 6 shall be deleted.”

Mr. CHAIRMAN.—Amendment moved:

“That the words ‘or nominations’ in line 6 shall be deleted.”

Sri M. C. NARASIMHAN.—My amendment is consequential. Because we have taken away nomination in clause 98, there can be no provision for nomination here also. I do not think there is need for the insertion of the word ‘nomination’ here.

Sri T. SUBRAMANYA.—This is only filling up a casual vacancy. It cannot be filled up by election.

Sri M. C. NARASIMHAN.—I am sorry, I made a mistake. I thought it was nomination business. When a casual vacancy is to be filled up, this clause wants that Government may have power to fill it up by election or nomination. Why there should be a provision for choice? In the case of a Taluk Board where is the necessity contemplated in the Bill for nomination? Here also it stands to reason that Taluk Boards and Panchayats should be treated on par and the vacancies should be filled by election and not by any other manner. So far as the District Board in old Mysore was concerned, there was no provision for nomination.

Sri J. B. MALLARADHYA.—There is a fundamental principle involved here. Suppose a vacancy has arisen

owing to an elected member either being removed or dead or for any other reason; there is no point in filling up the vacancy by nomination in respect of an elected member. I can understand a person being nominated if the vacancy is that of a nominated member. Suppose in the case of a member who has been removed on account of misconduct and he has been an elected member; you want to nominate a person; on principle I oppose this nomination.

Sri T. SUBRAMANYA.—I would have had no hesitation in accepting this amendment but for one particular contingency which might arise. If it is to be treated as consequential suppose a vacancy is caused and election is not held; why should we allow a vacancy continue? Should we not fill up that vacancy at all? If an order is passed for holding elections and nobody comes forward to stand for election for a short period; how should the vacancy be filled up? If you all insist that there should be nomination I will accept the principle. You must allow me to make consequential changes.

Mr. CHAIRMAN.—The question is :

“The words ‘or nominations’ in line 6 shall be deleted.”

The motion was adopted.

Mr. CHAIRMAN.—The question is :

“That clause 112, as amended, stand part of the Bill.”

The motion was adopted.

Clause 112, as amended, was added to the Bill.

Sri T. SUBRAMANYA.—The word ‘nominated’ in the last line also should be deleted.

Sri K. S. SURYANARAYANA RAO (Mysore City).—In that event the clause should be held over. If consequential changes have to be made, the clause should be held over.

5 P.M.

Sri J. B. MALLARADHYA.—In so far as the amendment is carried and we have agreed to consequential changes being made, I do not think the

question of holding it over does arise at all.

Mr. CHAIRMAN.—According to Rule 93 we have powers to make consequential changes. When Sri Narasimhan’s amendment is accepted, it means changes would have to be made in the following sentence. That is apparent.

The question is :

“That Clause 112, as amended, stand part of the Bill.”

The motion was adopted.

Clause 112, as amended, was added to the Bill.

Mr. CHAIRMAN.—Clause 113.

Sri M. C. NARASIMHAN.—I am not moving this amendment, Sir.

Mr. CHAIRMAN.—The question is :

“That clause 113 stand part of the Bill.”

The motion was adopted.

Clause 113 was added to the Bill.

Mr. CHAIRMAN.—Clause 114.

Sri M. C. NARASIMHAN.—I beg to move :

‘In sub-clause (4) the words “for neglect or incapacity to perform his duties” shall be deleted.’

Mr. CHAIRMAN.—Amendment moved:

‘In sub-clause (4) the words “for neglect or incapacity to perform his duties” shall be deleted.’

Sri M. C. NARASIMHAN.—I want a clarification. According to this provision, if a President or a Vice-President is removed, he is removed from membership of the Board also. Why is this necessary?

Sri T. SUBRAMANYA.—A Member is also liable to be removed for misconduct. If a President is removed for misconduct, he automatically ceases to be a Member also. That is very clear and patent.

Mr. CHAIRMAN.—The question is :

‘In sub-clause (4) the words “for neglect or incapacity to perform his duties” shall be deleted.’

The motion was negatived.

Mr. CHAIRMAN.—The question is :

“That Clause 114 stand part of the Bill.”

The motion was adopted.

Clause 114 was added to the Bill.

Mr. CHAIRMAN.—Clause 115.

Sri K. KENCHAPPA.—I beg to move :

‘The following items shall be added after item (b) :—

“(c) Exercise supervision and control over acts of all officers and servants including the Chief Executive Officer and shall have responsibility and duty to check measurements of all works, to give instructions for better execution of approved works and administrative functions and shall have power to take disciplinary action against any of the officers and other employees to the extent prescribed;

(d) Appoint subject to such rules as Government may make in this behalf qualified persons to such posts under the Taluk Board, as may be filled up, grant leave of absence to holders of such posts and fine, remove, suspend or dismiss holders of such posts;

(e) Cause to convene the meeting of the Taluk Board, with appropriate agenda, all questions, propositions, resolutions and other information which require its sanction with his signature.”

Mr. CHAIRMAN.—Amendment moved:

‘The following items shall be added after item (b) :—

“(c) Exercise supervision and control over acts of all officers and servants including the Chief Executive Officer and shall have responsibility and duty to check measurements of all works, to give instructions for better execution of approved works and administrative functions and shall have power to take disciplinary action against any of the officers and other employees to the extent prescribed;

(d) Appoint subject to such rules as Government may make in this behalf qualified persons to such posts under the Taluk Board, as may be filled up, grant leave of absence to holders of such posts and fine, remove, suspend or dismiss holders of such posts;

(e) Cause to convene the meeting of the Taluk Board, with appropriate agenda, all questions, propositions, resolutions and other information which require its sanction with his signature.”

Sri K. KENCHAPPA.—Sir, according to the provisions of the Bill, the President is a mere figure-head. He will have no control over the administration of the Board. This clause read with 119 and 120, intentionally introduces a dual system, by which the Chief Executive Officer happens to be all-in-all and the President of the Taluk Board will have no worthwhile function except to sit at meetings, pass resolutions and sign papers here and there. He has merely to peep into the doors and windows of the Chief Executive Officer. This position is degrading. It is insulting to the local self-governing institutions. My friends on the other side may point out that Special Officers or Commissioners of Municipalities or Corporations are working and executing works resolved at meetings. I would like to know, if there is a conflict between the President and the Chief Executive Officer, how matters would be settled. Members may say that a resolution may be passed. But the procedure is too cumbersome and it is not always easy for a President to say that the Chief Executive Officer has not obeyed his orders and has misbehaved. After all, the President is elected and he may be anxious that a particular work should be executed speedily; the Chief Executive Officer may not share his enthusiasm and there will be conflict. It is too much to expect the Board to go on directing Chief Executive Officers through resolutions. He will be helpless and he will have no control over the Chief Executive Officer. Such a contingency happened in 1952. The Chief Executive Officer began to say that all the

executive work belonged to him and that the President was only a figure-head. The matter came to such a crisis that nine District Board Presidents of Mysore State had to come in deputation to the then Chief Minister Sri Hanumanthaiah who was then pleased to say that there would be no dual Government and that the President would have the controlling authority over the Chief Executive Officer. A circular was also issued to that effect then. He also assured that amendments would be made to the Village Panchayat and District Boards Acts and such amendments were also made and those amendments are still in force.

Sri C. M. ARUMUGHAM (Kolar Gold Fields).—Will the Hon'ble Member refer to clause 120?

Sri K. KENCHAPPA.—I know that it says that subject to the general powers of the President under section 115 the Chief Executive Officer shall perform certain functions, but, Sir, section 115 does not cover all the contingencies. There is no power for the President to undertake a tour or to inspect certain works or to take check measurements, etc. Suppose an unsatisfactory work is executed by the Chief Executive Officer; the President has no power to proceed against the Chief Executive Officer. If the President fixes a tour programme, the Chief Executive Officer may say that no servant shall accompany him. This has been our bitter experience. So we have to see that there is no ambiguity and the intention is made very clear in the clause. The Chief Executive Officer should work under the control and guidance of the President, and if he goes against his orders, the President must have the power to punish him. If that power is not there, it takes away the autonomous character of local self-Government. The intention must be made clear and so I have moved my amendment.

ಶ್ರೀ ಸಿ. ಜಿ. ಮುಕ್ಕಣ್ಣಪ್ಪ.—ಸ್ವಾಮಿ, ಈ ತಿದ್ದುಪಡಿಯನ್ನು ಅನುಮೋದನೆ ಮಾಡುತ್ತ ಒಂದೆರಡು ವಿಚಾರಗಳನ್ನು ಹೇಳಬೇಕಾಗಿದೆ. ಇದು ಸ್ವಲ್ಪ ನಿಮಗೆ ನೋಸಾಗುತ್ತದೆ ಎಂದು ಕಾಣುತ್ತದೆ. ಈ ಕಾನೂನನ್ನು Draft ಮಾಡಿದವರು ಈ ಕಾನೂನು

ನಭೆಯ ಮುಂದೆ ಬಂದು ಬೀಕೆ ಬಿಪ್ಪಣೆಗಳಿಗೆ ಗುರಿಯಾಗದಂತೆ ಮಾಡಬಹುದಾಗಿತ್ತು. ಆದರೆ ಆ ರೀತಿಯಾಗಿಲ್ಲ. ಈಗ ತಾನೇ ನನ್ನ ಮಾನ್ಯ ಸ್ನೇಹಿತರಾದ ಶ್ರೀಮಾನ್ ನಾಯ್ಡುರವರನ್ನು, ಅವರು ಮೇಯರು ಆಗಿದ್ದುದರಿಂದ, ಮೇಯರವರಿಗೂ ಮತ್ತು ಕಮೀಷನರಿಗೂ ಕಾರ್ಪೊರೇಷನ್ನಿನಲ್ಲಿ ಇರುವ ವ್ಯತ್ಯಾಸವೇನು ಎಂದು ಕೇಳಿದೆ. ಅದಕ್ಕೆ ಉತ್ತರವಾಗಿ ಅವರು ಮೇಯರ್ ನಾಮಿನರ್ ಫಿಗರ್ ಹೆಡ್ ಆಗಿರುವಂತಹವರು ಎಂದು ಹೇಳಿದರು. ಸರ್ಕಾರಕ್ಕೆ ನಾನು ಹೇಳುವುದಿಷ್ಟೆ. ಸಂಪೂರ್ಣವಾಗಿ ಡೆಮೋಕ್ರಸಿಯಾಗಬೇಕು, ಚೆನ್ನಾಗಿ ಆಗಬೇಕು ಎಂದು ಹೇಳುತ್ತಿದ್ದೀರಿ. ಹಳ್ಳಿಗಳನ್ನೆಲ್ಲ ಮುಂದಕ್ಕೆ ತರಬೇಕು ಎಂದು ಹೇಳಿ ಇಂತಹ ಮುಖ್ಯವಾದ ಕಾನೂನನ್ನು ತರುವಾಗ ಈ ರೀತಿಯಾದ fifth wheel ಏತಕ್ಕಾಗಿ ತರುತ್ತಿದ್ದೀರಿ? ತಾವು ಪ್ರೋಗ್ರೆಸ್ಸಿವ್ ಆಗಿದ್ದರೆ ಹೀಗೆಲ್ಲ ಏಕೆ ಆಗುತ್ತದೆ? ನನ್ನ ಸ್ನೇಹಿತರು ಹೇಳಿದ ಹಾಗೆ Clause 120 ರಲ್ಲಿ "Subject to the general powers of the President" ಎಂದು ಹೇಳಿದ್ದಾರೆ. ಇದರಿಂದ ಮಾನ್ಯ ಶ್ರೀಮಾನ್ ಕೆಂಚಪ್ಪ ನವರು ಹೇಳಿದ ಹಾಗೆ ನಮ್ಮ ಕೆಲಸ ಕಾರ್ಯಗಳಿಗೆ ಅಡ್ಡಿಯಾಗುತ್ತದೆ. The Congressmen in the Taluk Board may carry a tale to the Minister and my increment may be stopped or I may be punished." ಎಂದು ಅವರಿಗೆ ಒಂದು ಭಯ ಬರುತ್ತದೆ. ಇಲ್ಲಿ ಕಾಂಗ್ರೆಸ್ಸೇತರರೂ ಇರುತ್ತಾರೆ. All right, there is a Congress Government ಎಂದು ಇಬ್ಬುಕೊಳ್ಳೋಣ. ಆಗ ಕಾಂಗ್ರೆಸ್ಸಿನವರಿದ್ದಾರೆಂದು ಅದಕ್ಕೋಸ್ಕರ ಏನನ್ನೂ ಮಾಡುವಂತಿಲ್ಲ. ಇದರಿಂದ ಭಿನ್ನ ಭಿನ್ನ ಭಾವನೆಗಳಿಗೆ ಬರಲು ಅವಕಾಶವಾಗುತ್ತದೆ. ಈ ಎಕ್ಸಿಕ್ಯೂಟಿವ್ ಆಫೀಸರವರಿಗೆ ಕಂಟ್ರೋಲು ಇರುವಂತಾದರೆ Dual control ಇದ್ದ ಹಾಗಾಗುತ್ತದೆ. ಅದು ಎತ್ತರಿಗೆ ಎಳೆದರೆ ಕೋಣ ನೀರಿಗೆ ಎಳೆಯುತ್ತದೆ ಎನ್ನುವಂತಾಗುತ್ತದೆ. ಹಿಂದೆ ಶ್ರೀಮಾನ್ ಹನುಮಂತಯ್ಯ ನವರ ಕಾಲದಲ್ಲಿಯೂ ಒಂದು ಸಂಸ್ಕೃತರನ್ನು ಹೊರಡಿಸಿದ್ದರು. ಅವರು ಡಿಸ್ಟ್ರಿಕ್ಟ್ ಬೋರ್ಡಿನ ಪ್ರೆಸಿಡೆಂಟರಾಗಿಯೂ ಇದ್ದುದರಿಂದ ಅವರಿಗೆ ಈ ವಿಷಯಗಳೆಲ್ಲ ಚೆನ್ನಾಗಿ ತಿಳಿದಿತ್ತು. ಆದರಿಂದ ಸ್ವಲ್ಪ ಕಡಿವಾಣವಿಲ್ಲದೇ ಇರುವ ಕುದುರೆ ಹೇಗೆ ಆಗುತ್ತದೋ ಹಾಗೆ ಈ Chief Executive Officer ಆಗುತ್ತಾರೆ. ತಾವು ಈ ಕಾನೂನಿನಲ್ಲಿ ಲೋಕಲ್ ಸೆಲ್ಫ್ ಗವರ್ನಮೆಂಟ್ ಚೆನ್ನಾಗಿ ಕೆಲಸ ಮಾಡುತ್ತದೆ ಎಂದು ಈ ರೀತಿಯಾದ ಅಧಿಕಾರವನ್ನು ಅಧಿಕಾರಿಗಳ ಕೈಯಲ್ಲಿ ಕೊಡುವುದು ಸರಿಯಲ್ಲ ಮತ್ತು ವ್ಯವಹಾರದಲ್ಲಿ ತಾಲ್ಲೂಕು ಬೋರ್ಡಿನ ಪ್ರೆಸಿಡೆಂಟರು ಯಾರೇ ಆಗಲೇ ಸರಿಯಾಗಿರುವುದಿಲ್ಲ. ಇದರಲ್ಲಿ ಯಾವ ಪಾರ್ಟಿಯವರ ಪ್ರಶ್ನೆಯೂ ಇಲ್ಲ. ನಿಮಗೆ ಈಗಾಗಲೇ ಕಮ್ಯುನಿಸ್ಟರೇ ಅದರೂ ಕಾಂಗ್ರೆಸ್ಸು ಮಂತ್ರಿ ಮಂಡಲದವರು ಒಪ್ಪಿ ಕೊಳ್ಳುತ್ತೀರಿ. ಇವತ್ತು ಕಾಂಗ್ರೆಸ್ಸಿನ ಮಂತ್ರಿ ಮಂಡಲ ಬರಬಹುದು; ನಾಳೆ ಪಿ.ಎಸ್.ಪಿ. ಬರಬಹುದು ಅಥವಾ ಕಮ್ಯುನಿಸ್ಟ್ ಬರಬಹುದು. ಆದರೆ ತಾಲ್ಲೂಕು ಬೋರ್ಡಿನ ಪ್ರೆಸಿಡೆಂಟರಾಗಿ ಕೆಲಸ ಮಾಡಬೇಕಾದರೆ ಅವರು ಎಷ್ಟು ಅಧಿಕಾರಗಳನ್ನು ಕೈಯಲ್ಲಿ ಇಟ್ಟುಕೊಳ್ಳಬೇಕು, ಫೈನಾನ್ಸಿಯಲ್ ಕಂಟ್ರೋಲು ಇರಬೇಕು ಮತ್ತು ಆಡಳಿತದಲ್ಲಿ ಕಂಟ್ರೋಲು ಇರಬೇಕು. ಆಗ ಈ ಬೀಪ್ ಎಕ್ಸಿಕ್ಯೂಟಿವ್ ಆಫೀಸರವರು ತಮ್ಮ ಮನಸ್ಸಿಗೆ ಬಂದಂತೆ ಮಾಡುವ

(ಶ್ರೀ ಸಿ. ಜಿ. ಮುಕ್ಕಣ್ಣಪ್ಪ)

ದಕ್ಕೆ ಅಗುವುದಿಲ್ಲ. ಈ ಬೋರ್ಡಿನಲ್ಲಿರುವ ಮೆಚಾರಿಟಿ ಮೇಂಬರುಗಳು "You are incapable of discharging the duties entrusted to you. It is a disqualification, and therefore Government should remove you." ಎಂದು ಹೇಳಿದಾಗ ಪ್ರಸಿಡೆಂಟ್‌ರವರಿಗೆ ಅಧಿಕಾರವಿಲ್ಲದೆ ಹೋದರೆ ಏನಾಗುತ್ತದೆ ಎನ್ನುವುದನ್ನು ತಾವು ಎಚ್ಚರ ಮಾಡಬೇಕು. ಹಿಂದೆ ತುಮಕೂರಿನಲ್ಲಿ ಜಿಲ್ಲಾ ಬೋರ್ಡಿನ ಪ್ರಸಿಡೆಂಟ್‌ರಾಗಿದ್ದ ಶ್ರೀಮಾನ್ ಹುಟ್ಟೇ ಗೌಡರಿಗೂ ಮತ್ತು ಕಾಂಗ್ರೆಸ್ಸಿನ ಸರ್ಕಾರಕ್ಕೂ ಏನು ವ್ಯವಹಾರಗಳು ಆಗಿವೆ ಎನ್ನುವುದು ಎಲ್ಲರಿಗೂ ಗೊತ್ತಿದೆ. ಹಾಗೇ ಚಿತ್ರದುರ್ಗದ ಜಿಲ್ಲಾ ಬೋರ್ಡಿನಲ್ಲಿ ಮತ್ತು ಮೈಸೂರಿನ ಜಿಲ್ಲಾ ಬೋರ್ಡಿನಲ್ಲಿ ಕೆಲಸಗಳು ನಡೆಯದೇ ಅನ್ಯಾಯಗಳಾಗಿವೆ ಮತ್ತು ತೊಂದರೆಗಳೂ ಆಗಿವೆ. ಇಂತಹ ಕಾನೂನನ್ನು ನಮ್ಮ ಅನುಭವದ ಆಧಾರದ ಮೇಲೆ ಮಾಡಬೇಕು. ದೇಶದಲ್ಲಿರುವ ಸ್ಥಳೀಯ ಸಂಸ್ಥೆಗಳು ಪ್ರಜಾಪ್ರಭುತ್ವದ ತತ್ವದಮೇಲೆ ಯಶಸ್ವಿಯಾಗಿ ಕೆಲಸ ಮಾಡಬೇಕಾದರೆ ಚುನಾಯಿತ ಪ್ರಸಿಡೆಂಟ್‌ರುಗಳು ಇರಬೇಕು ಎಂದು ಮಾಡಲಾಗಿದೆ. ಅವರ ಕೈಯಲ್ಲಿ ತಕ್ಕಷ್ಟು ಅಧಿಕಾರಗಳು ಇಲ್ಲವೇ ಹೋದರೆ ತೊಂದರೆಯಾಗುತ್ತದೆ. ಇವೊತ್ತಿನ ದಿವಸ ಈ ಕಾನೂನಿನಲ್ಲಿ ನೋಡಿದರೆ ಚೀಫ್ ಎಕ್ಸಿಕ್ಯೂಟಿವ್ ಅಧಿಕಾರಿಗಳಿಗೆ ಎಷ್ಟು ಅಧಿಕಾರಗಳನ್ನು ಕೊಟ್ಟಿದ್ದೀರಿ ಎಂಬುದು ಇಲ್ಲದೆ. ಒಂದು ಅಣುವಷ್ಟು ಅಧಿಕಾರವೂ ಪ್ರಸಿಡೆಂಟ್‌ರಿಗೆ ಕೊಡದೇ ಇರುವಂತಹ ಒಂದು ಅಸ್ತ್ರವನ್ನು ಇಲ್ಲುಟ್ಟಿದ್ದೀರಿ. ಈ ರೀತಿ ಅಧಿಕಾರವಿಲ್ಲದೇ ಹೋದರೆ ನಿರರ್ಥಕವಾಗುತ್ತದೆ.

ನೀವು ಮಾಡತಕ್ಕ ಕಾನೂನೊಂದಿಗೂ ನಿರರ್ಥಕವಾಗುತ್ತದೆ. ತಾವು ಮರಳುಕಾಡಿನಲ್ಲಿ ಬಿಸಿಲುಗುದುರೆಯನ್ನು ನೋಡುತ್ತಿದ್ದೀರಿ. ಆ ಬಿಸಿಲುಗುದುರೆಯನ್ನು ನೋಡಿದರೆ ನೀವು ಎಷ್ಟು ನಿರಾಶರಾಗುತ್ತೀರೋ, ಅಷ್ಟೇ ಮಟ್ಟಿಗೆ ಈ ಹೊತ್ತು ನೀವು ಪಾನು ಮಾಡುವ ಬಿಲ್ಲಿನಿಂದ ಪ್ರಜಾಪ್ರಭುತ್ವದ ಆಧಾರದ ಮೇಲೆ ಸ್ಥಳೀಯ ಸಂಸ್ಥೆಗಳನ್ನು ಕಟ್ಟಬೇಕು, ಪ್ರಜಾಪ್ರಭುತ್ವ ಸಂಪೂರ್ಣವಾಗಿ ಭದ್ರವಾದ ತಳಹದಿಯ ಮೇಲೆ ಅಲ್ಲಿ ನಿಲ್ಲಬೇಕು ಎಂದು ಏನು ಆಶಿಸಿದ್ದೀರಿ, ಅದರಲ್ಲಿಯೂ ತಾವು ನಿರಾಶರಾಗುತ್ತೀರಿ. ಅದುದರಿಂದ ಈ ಬಿಲ್ಲನ್ನು ತಂದಿರತಕ್ಕ ಸಚಿವರು ಅವರಿಗಿರತಕ್ಕ ಅಗಾಧವಾದ ಅನುಭವ, ಮತ್ತು ಬುದ್ಧಿವಂತಿಕೆಯ ಹಿನ್ನೆಲೆ ಹಾಗೂ ಮೈಸೂರಿನಲ್ಲಿರುವ ಜಿಲ್ಲಾ ಬೋರ್ಡುಗಳು ಇದುವರೆಗೂ ಕೆಲಸ ಮಾಡಿರುವ ರೀತಿ ನೀತಿಯನ್ನೂ ಗಮನಕ್ಕೆ ತೆಗೆದುಕೊಂಡು ಶ್ರೀಮಾನ್ ಕೆಂಚಪ್ಪನವರು ತಂದಿರುವ ತಿದ್ದುಪಡಿಯನ್ನು ಒಪ್ಪಿಕೊಳ್ಳಬೇಕೆಂದು ಹೇಳುತ್ತೇನೆ.

ಶ್ರೀ ಜಿ. ಸುಬ್ರಹ್ಮಣ್ಯ—ಅಧ್ಯಕ್ಷರೇ, ನಮ್ಮ ಸ್ನೇಹಿತರಿಬ್ಬರೂ ಈ ಶಬ್ದಗಳ ಜೋಡಣೆಯಿಂದ ಇಲ್ಲದಿರತಕ್ಕ ಪರಿಸ್ಥಿತಿಯನ್ನು ಕಲ್ಪನೆಮಾಡಿ ವಾದ ಮಾಡಿದ್ದಾರೆ. ತಾವು ಎಲ್ಲಿ ಬೇಕೆಂದರೂ ನೋಡಿ; ಇದರಲ್ಲಿ ಏನಿದೆ? "He shall preside at the meetings of the Board" ಎಂದು ಹೇಳುವುದನ್ನು ತಾವೆಲ್ಲರೂ ಒಪ್ಪುತ್ತೀರಿ. ಆ ಮೇಲೆ "Watch over the financial and executive administration of the Board and

exercise general supervision and Control" ಎಂದಿದೆ. ಇದರ ವ್ಯಾಪ್ತಿ ಬಹಳ ದೂರ ಹೋಗುತ್ತದೆ. 'Watch' ಎಂದು ಏಕೆ ಹಾಕಿ ದ್ದೇವೆ ಎಂಬುದನ್ನು ಸ್ವಲ್ಪ ತಾವು ಯೋಚನೆ ಮಾಡಬೇಕು. ದುಡ್ಡಿನ ಜವಾಬ್ದಾರಿ ಅವರಿಗಿದ್ದರೆ ತೊಂದರೆಯಾಗುತ್ತದೆ, ಅವರು ಇಕ್ಕಟ್ಟಿಗೆ ಸಿಕ್ಕಿಹಾಕಿಕೊಳ್ಳುತ್ತಾರೆ ಎಂದು ಸರ್ಕಾರಿ ಅಫೀಸರನ್ನು ದುಡ್ಡಿಗೆ ಜವಾಬ್ದಾರಿಯಾಗಿ ಮಾಡಿ, ಆ ಮನುಷ್ಯನನ್ನು ಈತನು ನೋಡಿಕೊಂಡಿರಬೇಕು, ದುಡ್ಡು ಹೇಗೆ ಖರ್ಚಾಗುತ್ತದೆಂದು ನೋಡಿಕೊಂಡಿರಬೇಕೆಂದು ಇಟ್ಟಿದ್ದೇವೆ. ಓಗಿಲ್ಲದಿದ್ದರೆ, ಪ್ರತಿದಿವಸವೂ ಸರ್ ಚಾರ್ಜ್‌ಮಾಡಿ ಎನ್ನುವುದು ಬರುತ್ತದೆ. ಅದನ್ನು ಮುಖ್ಯವಾಗಿ ತಪ್ಪಿಸಬೇಕೆಂದೇ ಇವರಿಗೆ ದುಡ್ಡಿನ ಆಡಳಿತದ ವಿಷಯದಲ್ಲಿ ಹೆಚ್ಚಿನ ಜವಾಬ್ದಾರಿ ಇರಲೂದು ಎಂದು ಹೇಳಿ 'watch over the financial Administration of the Board' ಎಂದು ಹೇಳಿದ್ದೇವೆ.

ಎರಡನೆಯದಾಗಿ, He will watch over the executive administration of the Board ಎಂದು ಹೇಳಿದ್ದೇವೆ. ಉದಾಹರಣೆಗೆ, ಪಂಚಾಯ್ತಿಯಲ್ಲಿ ಒಂದು ರಸ್ತೆ ಮಾಡಬೇಕು ಎನ್ನೋಣ. ಅದನ್ನು ಮಾಡಿಸುವುದಕ್ಕೆ ಯಾರು ಜವಾಬ್ದಾರರು? ಚೀಫ್ ಎಕ್ಸಿಕ್ಯೂಟಿವ್ ಅಫೀಸರು ಜವಾಬ್ದಾರರು; ತಕ್ಕಷ್ಟು ಹಣವನ್ನು ಒದಗಿಸಿಕೊಡುವುದು ಪಂಚಾಯ್ತಿಯ ಜವಾಬ್ದಾರಿ; ಅದನ್ನು ನೋಡತಕ್ಕ ಜವಾಬ್ದಾರಿ ಪಂಚಾಯ್ತಿಯ ಪ್ರಸಿಡೆಂಟ್‌ರಿಗೆ ಬಿದ್ದಿದೆ! ಅವರು ಮೇಲ್ವಿಚಾರಣೆ ನಡೆಸುತ್ತಾರೆ, ಅಷ್ಟೆ. ಯಾವುದೊಂದು ಫೈನರ್ ಬಿಲ್ಲನ್ನೂ ಅವರು ಮಾಡುವುದಿಲ್ಲ. ಆದರೆ, ಮಾಡಿದ ಬಿಲ್ಲು ಸರಿ ಯಾಗಿದೆಯೇ ಇಲ್ಲವೇ ಎಂದು ಮಾತ್ರ ಅವರು ನೋಡುತ್ತಾರೆ. ಅದುದರಿಂದ ಪೂರ್ತಿ ಹತೋಟಿ ಅವರಿಗಿದೆ. ಅವನ ಕೈಕೆಳಗೆ ಎಲ್ಲರೂ ಕೆಲಸ ಮಾಡುತ್ತಾರೆಂಬುದು ಇದರಲ್ಲಿ ವ್ಯಕ್ತಪಟ್ಟಿದೆ. ಅದುದರಿಂದ ಕೆಂಚಪ್ಪನವರು ಹೇಳಿದ ಹಾಗೆ ಫೈನರ್ ಬರ್ ಮಾಡುವುದು, Measurements ತೆಗೆದುಕೊಳ್ಳುವುದು, ಕಲ್ಲು ದಪ್ಪ ಇದೆಯೇ, ಸಣ್ಣಗಿದೆಯೇ ಎಂದು ಹೇಳುವುದು ಅವರಿಗಿಲ್ಲ. ಅದಕ್ಕೆಲ್ಲ ಅವರನ್ನು ಜವಾಬ್ದಾರನ್ನಾಗಿ ಮಾಡಿದರೆ ಅವರ ಮೇಲೆ ಹೊರಲಾರದ ಹೊರೆ ಬರುತ್ತದೆ. ಅದುದರಿಂದ ಎಕ್ಸಿಕ್ಯೂಟಿವ್ ಅಫೀಸರನ್ನು ಅದಕ್ಕೆ ಜವಾಬ್ದಾರನ್ನಾಗಿ ಮಾಡಿ ಚಾವಟಿಯನ್ನು ಮಾತ್ರ ಅವನ ಕೈಗೆ ಕೊಟ್ಟಿದ್ದೇವೆ. ತಪ್ಪು ಮಾಡಿದರೆ ಚಾವಟಿಯಿಂದ ಹೊಡೆಯಬೇಕೆಂದು ಮಾಡಿದ್ದೇವೆ. ಆದರೆ, ಶಿಕ್ಷೆ ಮಾಡುವ ಅಧಿಕಾರವನ್ನೂ ಅವರಿಗೆ ಕೊಡಿ ಎಂದು ಹೇಳಿದರು. ಆ ಅಧಿಕಾರ ಅವರಿಗೆ ನೇರವಾಗಿ ಕೊಟ್ಟಿಲ್ಲ. ಒಂದು ನಿರ್ಣಯ ಮಾಡಲಿ. ಈಗ ಮುನಿಸಿಪಾಲಿಟಿಗಳಲ್ಲೇ ನೋಡಲಿ, ಮುನಿಸಿಪಲ್ ಪ್ರಸಿಡೆಂಟ್‌ರಿಗೆ ಕಮಾಷನರ ಮೇಲೆ ಹತೋಟಿಯುಂಟು. ಆದರೂ ಅಲ್ಲಿ ಶಿಕ್ಷೆ ಮಾಡಬೇಕಾದರೆ, ಅಥವಾ ವರ್ಗ ಮಾಡಬೇಕಾದರೆ, ಅವರೂ ಒಂದು ನಿರ್ಣಯವನ್ನು ಮಾಡಿ ಸರ್ಕಾರಕ್ಕೆ ಕಳುಹಿಸಬೇಕೆಂದಿದೆ. ಸರ್ಕಾರಿ ನೌಕರರನ್ನು ಸರ್ಕಾರದ ಮೂಲಕವೇ deal ಮಾಡಬೇಕೇ ಎನಿಸಿತಾವೇ ಮಾಡುವುದಕ್ಕಾಗುವುದಿಲ್ಲ. ಅದೇ ರೀತಿ, ಇಲ್ಲಿಯೂ ತಾಲ್ಲೂಕು ಬೋರ್ಡಿನ ಪ್ರಸಿಡೆಂಟ್‌ರಿಗೆ ಅಧಿಕಾರ ವ್ಯಾಪ್ತಿ ವಿಪರೀತವಾಗಿದೆ. ಆದಕಾರಣ ಸದಸ್ಯರಿಗಿರತಕ್ಕ ಭಯ ನಿರಾಧಾರವಾದುದು. ಈ ದೃಷ್ಟಿಯಿಂದ ನಾನು ಈ ತಿದ್ದುಪಡಿಯನ್ನು ಎರೋಡಿಸುತ್ತೇನೆ.

Sri B. L. NARAYANASWAMY (Mulbagal).—The Hon'ble Minister will kindly refer to the proviso to sub-clause (7) of clause 120, namely, "Provided that an appeal shall lie against his orders of reduction, suspension or dismissal to the Deputy Commissioner". What does he say to that?

Sri T. SUBRAMANYA.—When I come to that clause I will explain it. A servant who has been dealt with, must have an opportunity to seek redress elsewhere at the hands of higher authorities and that is why we say that he shall have an appeal against the order of the Chief Executive Officer.

Sri B. L. NARAYANASWAMY.—I expect that no man would be punished without the permission of the Taluk Board President. No Chief Executive Officer dare act against the wishes of the President unless the President is there '*Nam he vaste*'.

Mr. CHAIRMAN.—Now I shall put the amendment of Sri Kenchappa to vote. The question is:

'That the following items shall be added after item (b):

"(c) Exercise supervision and control over acts of all officers and servants including the Chief Executive officer and shall have responsibility and duty to check measurements of all works, to give instructions for better execution of approved works and administrative functions and shall have power to take disciplinary action against any of the officers and other employees to the extent prescribed;

'(d) Appoint subject to such rules as Government may make in this behalf qualified persons to such posts under the Taluk Board, as may be filled up, grant leave of absence to holders of such posts and fine, remove, suspend or dismiss holders of such posts;

'(e) Cause to convene the meeting of the Taluk Board, with appropriate agenda, all questions,

propositions, resolutions and other information which require its sanction with his signature'."

The motion was negatived.

Mr. CHAIRMAN.—The question is:

"That Clause 115 stand part of the Bill."

The motion was adopted.

Clause 115 was added to the Bill.

Mr. CHAIRMAN.—Clause 116. There are no amendments tabled in respect of this clause. The question is:

"That clause 116 stand part of the Bill."

The motion was adopted.

Clause 116 was added to the Bill.

Mr. CHAIRMAN.—Clause 117.

Sri M. C. NARASIMHAN.—I am not moving my amendment.

Mr. CHAIRMAN.—Clauses 117 and 118. The question is:

"That clauses 117 and 118 stand part of the Bill."

The motion was adopted.

Clauses 117 and 118 were added to the Bill.

Mr. CHAIRMAN.—Clause 119.

Sri M. R. PATIL.—Sri, I move:

"That for sub-clause (2), the following shall be substituted:

'(2) Subject to such rules as the Government may make in this behalf, every Taluk Board shall have power, to appoint such officers and servants as may be necessary for the discharge of its duties and to reduce, discharge or dismiss from service the holders of such posts'."

Mr. CHAIRMAN.—Amendment moved:

"That for sub-clause (2), the following shall be substituted:

'(2) Subject to such rules as the Government may make in this behalf, every Taluk Board shall have power to appoint such officers and servants as may be

(MR. CHAIRMAN)

necessary for the discharge of its duties and to reduce, discharge or dismiss from service the holders of such posts."

*Sri M. R. PATIL (H u b l i).—This amendment is a consequence of another amendment which I have proposed to sub-clause (7) of clause 720. If we read sub-clause (2) of clause 119 and sub-clause (7) of clause 120, it will be seen that there is some anomaly between the two sub-clauses. Sub-clause (2) of Clause 119 says:

"Subject to the provisions of section 21, every Taluk Board shall be entitled to employ such officers and servants as may be necessary for the discharge of its duties."

Here the word 'employ' is rather very vague. Sub-Clause (7) of clause 120 says:

"Appoint, subject to such rules as the Government may make in this behalf, qualified persons to such posts under the Taluk Board as may be filled up by him and grant leave of absence to holders of such posts and fine, reduce, suspend or dismiss holders of such posts."

5.30 P.M.

So, it will be seen, Sir, from clause 120 that the Chief Executive Officer who is either a Tahsildar or the Block Development Officer, he has been given the powers to appoint, dismiss or to do anything. But whereas sub-section (2) of clause 119 says "subject to the provisions of clause 21, every Taluk Board shall be entitled to employ such officers and servants, as may be necessary for the discharge of its duties." The words employed there are very vague. It does not mean as to whether the appointing authority will be the Taluk Local Board or it will be simply paying from the Exchequer of the local board for the servants that will be employed. My submission is that in a Taluk Local Board office, the supreme authority

shall be the board as such. The Chief Executive Officer who happens to be the Tahsildar or B.D.O., his position is subordination to the Taluk Local Board. As such this Chief Officer is not a person appointed or removable by the Taluk Local Board. He becomes an *ex-officio* Secretary of the Taluk Local Board. This officer who is not a subordinate officer, is a lent officer for the purpose of Taluk Local Board, he is himself not removable by the Taluk Board. If such an officer is given the power to appoint subordinate officers and to dismiss them and discharge the servants, my submission is that the sovereignty of the Board will be affected and the prestige of the Board will also be hampered to a great extent. If the prestige of this elected body is to be retained, the power to appoint and dismiss or to discharge should be given either to the Taluk Board or to some other authority. Such powers should not be existing with the Taluk Boards. It would be something anomalous and would be inconsistent with the principles of democracy. So, my amendment is to the effect that subject to such rules as the Government may make in this behalf, only Taluk Board will have powers to appoint servants for the discharge of duties and to discharge, and dismiss all holders of such posts.

Sri J. B. MALLARADHYA.—I have great pleasure in supporting the amendment of Sri M. R. Patil so ably moved by him. There is a little bit of inconsistency. When you set up a statutory non-official board under the Local Self-Government scheme, I think all officers should come within the purview of the discipline of the Board and that in all matters relating to the administration of that Board, the supreme authority should vest in the Board. If any type of officer is kept out of the purview or the power of that Board, administration becomes difficult. I must admit that there is a bit of inconsistency in sub-section (2) of section 119. In so far as relative powers between the Taluk Board and the Chief Executive Officer are concerned, my one complaint has been both

in the Select Committee and in suggesting these amendments that the Chief Executive Officer has been made entirely responsible in respect of Taluk Board administration. For one thing, it is not safe; for another it is inconsistent with any idea of local self-governing administration. And particularly in regard to the amendment suggested by my friend, the whole point is: who is responsible? is it the Taluk Board or the Chief Executive Officer? What about the salary of servants, their discipline and their control? If the Chief Executive Officer is to employ officers, is he to punish them or to dispense with their services? Where does the Taluk Board come in? This is the position which I could not reconcile myself at any stages. I am glad that my friend with a lot of experience of local self-governing institutions in that part of the integrated areas has prominently brought to the attention of this Hon'ble House the anomaly that has occurred in sub-clause (2) of clause 119. So, I would strongly support that this amendment be accepted though there are certain difficulties from the administrative point of view. But I am quite sure, the Hon'ble Minister for Law is one of those who has got a lot of belief in the progress of local self-governing institutions. But he should not allow anything to be included in this Bill which will offend directly against the accepted notions of local self-government. If it is a question of even sacrificing the powers of an officer, to see that the powers of the Taluk Board are maintained as against the officer, he must yield a point in favour of a Taluk Board, not in favour of an officer. Having regard to this consideration, I would very much urge on the attention of the Hon'ble Minister to kindly accept this amendment and see and justify his confidence in the local self-governing institutions.

Sri T. SUBRAMANYA.—There is a small error which I found out late in sub-section (2) of section 119. It is a printing error. It says: 'Subject to the provisions of section 21' It ought to be 221. The space there is left out and figure 2 has not been printed. So, Hon'ble Members will

kindly correct it as 221. I will read for the information of all the members here section 221.

“221. Mysore Local Government Service.—(1) Notwithstanding anything contained in any law for the time being in force, such posts under any local authority as may be specified by the Government shall be filled by appointment of officers belonging to the Mysore Local Government Service.

(2) A Taluk Board may, if it deems necessary, by a resolution passed by two-thirds of the total number of members of the Board recommend to the Commissioner the taking of such disciplinary action as may be necessary against any officer belonging to the said service in respect of any misconduct by him while in the service of the Board.”

Now we will come to clause 119 (2):

“(2) Subject to the provisions of section 221, every Taluk Board shall be entitled to employ such officers and servants as may be necessary for the discharge of its duties.”

Clause 120 reads like this:

“Subject to the general powers of the President under clause (5) of section 115, the Chief Executive Officer shall perform the following functions.....”

Full administrative control has been given to the President under section 115. Therefore the appointing authority, though it is in the name of the Chief Executive Officer, virtually is the President. Usually appointments ought to be made not by the Taluk Board, but it ought to be made by the Executive Officer who is there to take work and he shall appoint only amongst the members of the Local Self-Government cadre. He shall not appoint whomsoever he likes. There is also another question. The statement which I read day before yesterday made it very clear that the Government had introduced a Bill in the Upper House with regard to the functions and

(SRI T. SUBRAMANYA)

powers of the Public Service Commission. Every appointment in the local self-government cadre shall be done according to the rules of the Public Service Commission at every stage except class IV appointments. I suppose the Public Service Commission shall be consulted and they shall be appointed according to the rules to be prescribed by Government subject to the control of the President. Therefore we do not want to vest this power in the Taluk Board or any Committee to be appointed for that purpose. The man who appoints is the Executive Officer; but he shall not be a man who will act as he likes, but he shall be controlled by rules to be framed by the Government, and according to the rules and suggestions given by the Public Service Commission, he shall appoint. Suppose a Chief Executive Officer himself commits an error, he displeases the Board, then the remedy is,—because he is a government servant for the Board, to approach the Commissioner with a Resolution—hear is your man.—Government servant, who has misbehaved towards us, please punish him. It is for the Commissioner to deal with the man at that stage. Therefore I am unable to accept this amendment and I request Sri M. R. Patil, it will not be infradig to the Taluk Board, on the other hand it will enhance the prestige of the Taluk Board if the Taluk Board is made to appoint persons according to rules to be framed by the Government and by the Public Service Commission. He will not have sufficient discretion left also; we will be placing him in an irksome position, and, without those rules he is given full powers, you know, where he will land himself.

ಶ್ರೀ ಜೆ. ಬಿ. ಮಲ್ಲಾರಾಧ್ಯ.—ಹಾಗಿದ್ದರೆ, ಅವರು ಹೇಳುವ ಪ್ರಕಾರ ಈಗಿರುವ ಸೆಕ್ಷನ್ ಕಾಂಟ್ರಿಬ್ಯೂಟರಿ ಆಗುತ್ತದೆ. It says: "Subject to the provisions of section 21, every Taluk Board shall be entitled to employ..."

Sri T. SUBRAMANYA.—They will employ.

ಶ್ರೀ ಜೆ. ಬಿ. ಮಲ್ಲಾರಾಧ್ಯ.—“Executive Officers employ” ಎಂತರೇ?

Sri T. SUBRAMANYA.—But the appointment order will not be given by the Taluk Board. But it will be given by the executive officer. The ultimate authority is the Taluk Board and it must be done according to rules to be prescribed not only by Government but also by the Public Service Commission. You cannot have a better safeguard with regard to appointments. I do not want any non-official body to appoint people.

Sri B. K. PUTTARAMIYA.—Do you mean that you have no confidence in non-officials?

Sri T. SUBRAMANYA.—That inference is not proper. If you think properly I have all confidence. I do not want to place them in an embarrassing situation. That is why I say the present position is very good. It is good for the prestige of the President, for the prestige of the Taluk Board and for the proper working of the institutions. With these few remarks, I request Sri M. R. Patil to withdraw the amendment though he does not agree with me fully. It has been engaging my attention for the last two weeks. I have been consulting friends and talking to experts. I have come to the definite conclusion that it is in the interest of the Taluk Board that the appointing authority should not be the Taluk Board directly but it should be done under the direction of the Taluk Board. With these few words, I request Sri M. R. Patil to withdraw the amendment.

Sri M. R. PATIL.—I withdraw the amendment.

*The amendment was, by leave,
withdrawn.*

Mr. CHAIRMAN.—The question is:

“That Clause 119 stand part of the Bill.”

The motion was adopted.

Clause 119 was added to the Bill.

Mr. CHAIRMAN.—Clause 120.

Sri M. R. PATIL.—I do not move the amendment.

Sri K. KENCHAPPA.—I beg to move :

“ That in line 2, after the words ‘ under clause (b) of section 115 ’, the words ‘ and with the approval ’ shall be inserted. ”

“ Sub-clauses (4) and (7) shall be deleted. ”

Mr. CHAIRMAN.—Amendment moved :

“ That in line 2, after the words ‘ under clause (b) of section 115, the words ‘ and with the approval ’ shall be inserted. ”

“ Sub-clauses (4) and (7) shall be deleted. ”

Sri K. KENCHAPPA.—While substantiating my proposition, my intention is to see that subject to the general powers of the President, with the approval of the President also, the powers that have been scheduled in sub-sections (1), (2), (3) and (4), the Chief Executive Officer shall exercise his powers. The next part of my amendment is sub-clauses 4 and 7 shall be deleted. Sub-clauses (4) and (7) read like this :

“(4) exercise supervision and control over the acts of all officers and servants of the Board in matters of executive administration and in matters relating to accounts and records of the Board; (7) appoint, subject to such rules as the Government may make in this behalf, qualified persons to such posts under the Taluk Board as may be filled up by him and grant leave of absence to holders of such posts and fine, reduce, suspend or dismiss holders of such posts. ”

They have got to appoint also. The Learned Minister has already stated that according to clause 221, appointments will have to be made according to the provisions and rules of the Public service Commission. Whether it will be made in consonance with the spirit of clause 221 is a matter which will have to be taken into consideration seriously. If you proceed further, it is said that the appeal shall lie to the President or to the Board. Well,

Sir, while taking into consideration the provision incorporated in (4) and (7), We cannot miss the aspect incorporated in section (3) of Section 119. Sub-clause (1) of clause 119 says :

“ The Tahsildar of the Taluk shall be the Chief Executive Officer of the Taluk Board of that Taluk. ” Sub-clause (3) says :

“ The officers and servants employed by the Taluk Board under sub-section (2) shall be subordinate to and subject to the disciplinary control of the Chief Executive Officer ”

What shall we mean by this ? What shall be the position of the President if the employees of the Board including the peon shall work subject to the disciplinary control of the Chief Executive Officer as contemplated in sub-clause (3) of clause 119 ? Then the Chief Executive Officer has got the power to suspend, cancel and do whatever he wants. What shall be the position of the President and how can he function at all consistent with his dignity ? Therefore, it is provided that all these powers will be exercised by the Chief Executive Officer subject to the approval. The Learned Minister for Law has already stated that the Government also have got due regard for the dignity and respectability for the post of the President. At least, let them accept the position that the Chief Executive Officer will exercise his power subject to the approval of the President. The Minister for Law may say that while exercising those powers, the Chief Officer will consult the President. Where is it stated ? We may say many things. But the Officers working there will carry out the work according to the provisions incorporated in the Statute. They do not mind what is going on here. They will say that the provisions are not clear and they will give unrestricted power to the Chief Executive Officer and the President of the Taluk Board is reduced to the position of a figure head who is expected to carry on the proceedings of the meeting and go home and consider himself as the President of the Taluk Board. The Ministers control the Secretaries

(SRI K. KENCHAPPA)

because the Ministers have got the right to change the Secretaries. They may pass orders and ask the Secretary to go to some other place. Here they have absolutely no right except to blink without having an opportunity to correct them. The learned Minister for Law stated that if we gave some power to the President, the Chief Executive Officer would be in an irksome position. I respectfully submit and want to know what will be the nature of the position that the President will occupy now as contemplated in this Act? It seems the non-official President is rather placed in a more irksome position than the Chief Executive Officer. Therefore, I respectfully submit that that difficult position may be eased. It is not beyond human comprehension. We can think of circumstances when we can ease the situation and see that the position of the President will be maintained in a respectful manner and at the same time the Chief Executive Officer also works as officer under the Control of the Taluk Board. with these observations, I request that at least this amendment may be accepted by the Government.

Sri T. SUBRAMANYA.—I am sorry I am not able to oblige my friend Sri Kenchappa by accepting his amendment. I have already made it clear that the position and prestige of the President is in no way jeopardised by these provisions. Unless the Officials who work in that Office are subordinate to the Chief Executive Officer who has to take work from them, no work would be possible. Suppose we do not say that they are subordinate to the Chief Executive Officer, as the President of a Taluk Board is not a whole time servant of the Board and therefore the Chief Executive Officer has to run the Office, and supposing a clerk says that he is not subordinate to the Officer but subordinate to the President and that he does not care to carry out his orders, where will we be? All these contingencies will arise. What I say is they have to work under the Chief Executive Officer and the Chief Executive Officer

shall be under the control of the President whenever he feels it necessary to control him because every administrative matter should be under the control of the President. In view of these things I have expressed, I request the House to throw out the amendment.

Sri B. L. NARAYANASWAMY.—Supposing a clerk misbehaves in regard to President

Sri T. SUBRAMANYA.—It is the duty of the Chief Executive Officer to call the clerk to order or to punish him if he misbehaves towards the President. The Chief Executive Officer usually acts under the guidance and control of the President. Suppose in my Office a person misbehaves. I do not transfer him immediately; but I will pass a memo stating that I do not want this clerk and send it to the Secretary.

Sri B. L. NARAYANASWAMY.—Supposing I want to write a letter to the Chief Executive Officer . . .

Sri T. SUBRAMANYA.—It is not addressing a letter to the Chief Executive Officer, it is passing an office memo.

Mr. CHAIRMAN.—The question is :

“In line 2, after the words ‘under clause (b) of section 115’, the words ‘and with his approval’ shall be inserted.”

“Sub-clauses (4) and (7) shall be deleted.”

The motion was negatived.

Mr. CHAIRMAN.—I shall put clauses 120 to 129, both inclusive. The question is :

“That clauses 120 to 129, both inclusive, stand part of the Bill.”

The motion was adopted.

Clauses 120 to 129, both inclusive, were added to the Bill.

Mr. CHAIRMAN.—Clause 130. There are amendments by Sri B. Chamiyah, Sri K. Kenchappa and Sri S. R. Ramiah.

Sri B. CHAMIAH.—My amendment is as follows.—

“1. At the end of item (i) of sub-clause (1) the following words shall be added.

'or of the District Boards at the time this Act comes into force'.

2. Item (iii) of sub-clause (1) shall be deleted, and the subsequent items shall be re-numbered.

3. In item (v) of sub-clause (1) the words 'hospitals, dispensaries, veterinary hospitals' shall be deleted.

4. The following proviso shall be added after the existing proviso to sub-clause (1) :—

'Provided also that it shall be the responsibility of Government to take over and maintain all the educational institutions under the control of the District and Panchayat Boards at the time this Act comes into force'.

Mr. CHAIRMAN.—Amendment moved.

"1. At the end of item (i) of sub-clause (1) the following words shall be added :—

'Or of the District Boards at the time this Act comes into force'.

2. Item (iii) of sub-clause (1) shall be deleted, and the subsequent items shall be re-numbered.

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'Provided also that it shall be the responsibility of Government to take over and maintain all the educational institutions under the control of the District and Panchayat Boards at the time this Act comes into force'.

Sri K. KENCHAPPA.—I beg to move :

"That in sub-clause (1) item (xvii) shall be deleted."

Mr. CHAIRMAN.—Amendment moved :

"That in sub-clause (1), item (xvii) shall be deleted."

Sri S. R. RAMIAH.—I beg to move :

"That in item (iii), for the words and figures '50 acres' the words and figures '10 acres' shall be substituted."

Mr. CHAIRMAN.—Amendment moved :

"That in item (iii), for the words and figures '50 acres' the words and figures '10 acres' shall be substituted."

Sri J. B. MALLARADHYA.—May I seek a clarification ?

There are a few amendments. Is it presumed that tomorrow the Deputy Speaker will allow an hour for discussing all the remaining amendments ?

Sri B. D. JATTI (Chief Minister).—We have no objection.

Sri V. SRINIVAS SHETTY (Coondapoor).—I should like to say a few words with regard to these amendments. As we know, the amount set apart for the District Board is very low and I do not think the generosity shown by the Government with regard to panchayats will be extended to Taluk Boards.

Sri T. SUBRAMANYA.—No.

Sri V. SRINIVAS SHETTY.—There are very big items under the jurisdiction of the Taluk Boards. We do not know the exact position ; what the picture will be.

With regard to the amendment moved by Sri Chamiyah, the first is there are vast number of roads under the District Board. For example, in South Kanara, a major portion of the roads is under the District Board. Suppose after the Taluk Board comes into existence all these roads are divided between Taluk Boards ; I am really gloomy about the condition of these roads when the Taluk Boards take over these roads under their control. I have travelled in the erstwhile Mysore State and travelled by the so called District Board roads ; in many places one is not quite sure whether the roads existed there at all.

6 P.M.

It is time that the Government made clear their policy in respect of these

(SRI V. SRINIVAS SHETTY)

roads. In my district, the District Board has looked after the roads very well. If the District Boards stand abolished and the taluk boards have no funds, then there would be no progress, but going back. The amendment has been moved so that the Government could come forward with a clear picture as to the fate of these roads.

According to sub-clause (3), a number of minor irrigation works have to be taken up as obligatory functions. I believe that even ten times more funds than contemplated under this Bill would not be sufficient to construct and maintain irrigation works. In view of this, this sub-clause should be deleted.

I would also like to have a clear picture of the many hospitals in the State under the control of the District Boards. I got a list of hospitals in the State. In Bangalore District there are 70 hospitals under the District Board, in Chickmagalur 33, Chitaldrug 50, Hassan 45, Kolar 60, Mandya 29, Mysore 57, Shimoga 35, Tumkur 49, Bellary 12, Belgaum 25, Bidar nil, Bijapur 22 and South Kanara 20. If the Government lets all these hospitals go into the hands of the district Board, I do not know what their fate would be.

Sri T. SUBRAMANYA.—They do not go under their control. They would have to make some provision for maintenance of such of those hospitals which were originally managed by the District Boards.

Sri V. SRINIVAS SHETTY.—In the interest of everyone I request the State Government to take over all such hospitals and not allow them to get into the hands of small institutions with little or no funds for this purpose.

In regard to schools run by District Boards, we do not have a clear picture. Atleast with regard to South Kanara, I know that a majority of the secondary, middle and primary schools are under the control of the District Board. If all these schools were to go under the control of the Taluk Boards, then I am afraid both the taluk Boards and the

schools would disappear from the picture. We have been told again and again that the Government intends taking over primary schools. But what is to happen to the middle schools and a good number of secondary schools? If a Taluk Board is asked to manage a dozen secondary schools its funds would not be sufficient. Therefore I would appeal to the Government not to allow any of these schools to go into the hands of Taluk Boards. I am not suggesting that the Taluk Boards are not fit enough to manage these schools, but with the present financial picture before us, none of the Boards will ever be in a position to control or manage any of the schools. I would therefore request the Government to accept the amendments.

Mr. CHAIRMAN.—I would like to have the opinion of the Hon'ble Members if we are to extend discussion on this Bill by one hour.

Sri J. B. MALLARADHYA.—This is a very important Bill and before it goes into the statute book, it is our responsibility to see that we do not hustle through the provisions. I feel that one hour would be insufficient. Atleast two hours would be necessary.

Sri A. V. NARASIMHA REDDY.—The Chair can extend the time only by one hour. For further extensions, we will have to refer the matter to the Business Advisory Committee.

Sri J. B. MALLARADHYA.—If there is any difficulty under the rules, the Speaker has powers to suspend the operation of any rule. If the House agrees, there could be no further objection.

Sri T. SUBRAMANYA.—I do not want to stand very much on technicalities. The Chair has powers to extend the time allotted by the Business Advisory Committee by one hour. If the Members of the Opposition want one more hour, i.e., two hours in all, I have no objection, but the House will have to sit for two hours extra tomorrow in order to complete the Bill. Therefore, I move that the time allotted for this be extended by two hours.

Sri J. B. MALLARADHYA.—I have great pleasure in supporting the motion so ably moved by the distinguished Minister for Law.

Panchayat and Local Boards Bill, 1959, be extended by two hours.”

The motion was adopted.

Mr. CHAIRMAN.—The question is :

“That the time allotted for consideration of the Mysore Village

The House adjourned at Seven Minutes past Six of the Clock to meet again at Twelve of the Clock on Tuesday, the 28th April, 1959.